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ANSWER

S TO *Arundell*

Three TREATISES

Publisht under the Title of

THE

JESUITES

Loyalty.



Peter Walsh

LONDON,

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ANSWER

QUESTIONS

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Loyalty

Printed by J. B. for the House at the
as the West of B. Park and B.

our selves. The Church is wronged, when doctrines are put upon her which she holds not, and much more when those doctrines are both false and pernicious. Not to remove the scandal is little better then to concur to it. Our Neighbour is wronged when counterfeit coyn is offered him for current: since he will finde little other in these Treatises, it is the part of an honest man to forewarn him. We are wronged by characters which we deserve not, and are not to be blamed if we have no minde to pass for Ignorant, and obstinate and wicked men; though in truth, Religion is more concerned then we, that who are sound in Allegiance appear not unsound in Religion. In short, since it becomes Catholicks to deal sincerely, and embrace no Tenets, especially in what concerns their duty to God & Cæsar, which fear the light; these Authors deserve praise for owning fairly what they hold, and why, and it was thought fit to imitate their example. For these reasons I would not but concur with the opinion of my friends, that an Answer was necessary; but yet I could have wisht the task had been imposed on some body else. I have not ventured on it but at the solicitation of those whom I could not refuse, and that in default of another. But while others, some more concerned, and all more able, for several respects declined it, I thought it better to do it, as I could scurvily, then leave it undone. I concern my self only with the what is said, and meddle not with the who said it, as neither knowing the Authors, nor thinking I have any thing to do to enquire. So the Gold be weight, it imports not what hand holds the scales. Besides, as the tartness with which too many season their writings, is to my relish wonderful unfavoury, I am not sorry at an Ignorance which preserves me from the Temptation. For though I would, I cannot reflect on those I know not. If any thing slip less smooth from my pen, I entreat the Reader to look upon it as a slip, which had I been aware, I had avoided.



A N
A N S W E R
TO THE
FIRST TREATISE.

OF the three Arguments, which make up the substance of these three Treatises, the first in some respects, seems far the best; the other two are more proper to amuse, then convince, and look more like products of wit and fancy, such as a fertile invention may multiply without end on any subject, then of a settled judgment. They rather skirmish then fight, and so as still to preserve their Reserves intire. But the first fairly engages the Triarii, and gives us the comfort of *Alexander*, to meet with all the enemies force at once. In truth it is the only proper Topick. For obedience to Princes being evidently taught by Faith, less then Faith will hardly serve to justify disobedience in case of Deposition. Notwithstanding in other respects I cannot but think it an ill chosen, and worse managed Topick.

For first, it is at most but an Argument *ad Hominem*, such a one as may stop a mans mouth, but contributes nothing to clear the difficulty. It is good only against a Catholick, and He, if he be satisfied with the proof this Author alledges, that the Church truly held, what he says she did; is put to silence, and must allow the conclusion true in vertue of his obligation, *to believe as the Church believes*. But yet sees nothing of that Truth himself, nor can tell how to make it out; or defend his Church, if it be objected against her, that she holds an untruth. To an Adversary it signifies nothing, unless perhaps to confirm him in his prejudice against the Church, when she is made to require the belief of things, which he may see inconsistent with Truth. However all is carried in the dark, the Catholick run
down

An Answer to

down as with a boisterous shock at Blind-mans-buff, but neither satisfied himself, nor able to satisfy any body else, the rest left without the least glimpse of light. In short, it is a Topick proper to fright a timorous conscience into a blinde obedience, but leaves the understanding altogether at a loss.

Again, it will not do at last, as he assumes, *The Church has held it*, and thence infers, it must be true. Another may assume, It is not true: and thence a Catholick infer, *the Church has not held it*; and an Adversary, that the Church has erred. In either case, it must of necessity come to be examined, whether the point be true or no, and this by Arguments independent of the Authority of the Church. For if the Catholick by any Arguments can prove it is not true: — *the Church never-held it*, is to another Catholick as undeniable, as his consequence, *the Church hath held it*, therefore it is true. At least there is no avoiding it with an Adversary: For who acknowledges the Church has held it, and cannot shew it is not an error, and by other *mediums* then the Churches holding it, cannot acquit the Church from having held an error. Wherefore since of necessity it must come to this at last, it had been a great deal better to have begun there at first, and never troubled us with a Topick, which even if it hold, makes us not a jot the wiser, and which when we have taken a great deal of pains to examine, leaves us exposed to as much in examining another.

Besides, considering the circumstances in which we live, I know not what worse office he could have done his fellow Catholicks, and indeed the Church it self. She is daily traduced with holding doctrines inconsistent with civil government. There is no way to clear her, that I know, but by denying that she holds those doctrines, or that those doctrines are inconsistent. This Gentleman assists the objection with his learned Syllogisms, and fixes the doctrines on the Church, and then leaves her to shift for her self, with the aspersion of holding doctrines inconsistent with Government, unless he would shew them otherwise. To leave her thus with the matter of fact confessed, her Adversaries at liberty to conclude her guilty, and her friends uninstructed how to make out her innocence, in my opinion shews that inconsiderate love is sometimes more prejudicial then profest hate; and I think more fore-sight would have become his learning, and more concern for her honour his zeal.

To draw a little nearer, I observe, it is nothing but the old dish newly,

the First Treatise.

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newly, and not much differently, cookt, the same oversod bean still. Only whereas usually the inconvenience urged is, that *unless the doctrine in question be true, the Church has erred*, he chooses to word it, *The Church has been in a damnable error of belief, and sin of practice, a wicked and blinde Church, a Synagogue of Satan, &c.* This sounds a little more big and frightful, but signifies much what the same. For the rest, 'tis but what is met with every where. When the proof comes, on which he lays the stress, there is the fact of *Greg. 7. the Councils of Lateran and Lions*, with the rest of the Common-places, objected and answered by every body, who meddle with the question, according as they are for the affirmative or negative. These things, if they had been satisfactory, would have been so in other mens Writings, the dispute long since ended, and the pains of transcribing them afresh spared. But since he knows they were not, methinks he should have bethought himself of something more, to make them satisfactory, then barely to transcribe them.

However to make a formal business of it, this proof is divided into 6. Heads. *All which if he can shew, he hopes it will be granted a sufficient proof.* Sure he has been used to deal with very sroward people, such who will not be content unless it be syllogistically proved to them, that the sun shines at noon: or else he is as unlucky at difficulties as some at musick, who praise and dispraise still in the wrong place. Was there ever such a pleasant *If*? or did any man, besides himself, ever doubt, whether those things might be shewn, which every body, who knows any thing of the question, knows were never in dispute, but openly acknowledged on all hands? For so it is with the main of what he brings, though in some particulars he has the ill fortune to be out. I am fully perswaded that neither the *Sorbon* Doctors, nor the rest of the Gentlemen, who it seems are out of his favour, would, to do him a pleasure, stick to yeild him freely, perhaps more then he asks, without staying to be forc't to a confession by the rack of his severe Quotations.

Alas the difficulty lies not in the matter of fact which is beyond *If*: and *Ands*, sufficiently agreed, but in this, whether that matter of fact sufficiently prove what is pretended from it. When he comes to this, all he does is to *hope* it over, and leave it to take its fortune. That a Scholler should treat a question of this concern in this manner! Keep a pother about the premises, which no body denies, and

and expect the conclusion, which no body grants, should be yeilded to his confidence without any, so much as offer at proof that it follows, or is a good conclusion, which yet is the only thing in question! He knows that all, who dissent from him, refuse to grant what he hopes to *Bellarmin* and the rest, who have produced the same things, with as much and as likely hope as he. He knows that what he tells us is no news; that all has been examined and sifted over and over again, and that after all, there are who remain firm against him. Can it be possible a man of learning should think to *hope* these people out of their judgments? That they should for his sake relent, and profess that to be true which they think to be false? Change all on a sudden, and that without any motive? For the motives he proposes, he knows move them not. When a scholler turns from proving to hoping, and expects from the good nature of the Readers what he should force from them, whether they will or no, by the irresistible evidence of his discourse, I for my part think he has a great deal more reason to fear then *hope*, at least were it my case, I am sure I should not be altogether so confident.

However it be, the Argument in short is this: Do but grant me that what you and every body knows has been done, proves the Church engaged for my doctrine, and then I will prove the Church is engaged for my doctrine, and that 'tis heretical, and what you will, to oppose it. This is the long and the short of the learned Syllogisms, and elaborate Quotations. Which if any one will take for a good Argument, he may for me. But I must needs profess I never saw worse Topick worse managed; and am heartily afflicted to see a question so strangely handled, in which, to say nothing of some temporal considerations not altogether to be slighted, our very duty to God and *Cæsar* is concerned.

But not to affront his pains and zeal with an answer so general, let us cast a view on particulars. He undertakes to prove, that the opinion, against which he writes, is *Erroneous in Faith, Temerarious, and Impious*. Never were ill names worse coupled. This is as much to say, you Sir, with whom I am very angry, are a Rascal and a Villain, and besides cannot put of your hat with a grace, or make a handsome leg, or some such diminishing aggravation; which none, but a very merry enemy would use. *Heretical*, and *Impious* are sins of the first magnitude. *Temerarious*, which for all its great sound is no more but plain *Rash*, is a moderate blundering fault, of which
many

many an honest man, especially in our nation, is guilty, even he sometimes who speaks against rashness. Neither do I mention this for any great matter there is in it, but to observe by the way, that he was so intent upon heaping harsh names on the Teneer, against which he disputes, that he minded not much what they signified.

There follow the learned Syllogisms concerning which I shall only say, He has not weaved his web so fast but that it might perhaps be unravel'd at every stitch. There is play enough for a Gamester who would take all advantages. Who would examin what made an Error or Practice damnable? whether what is damnable in its own nature, be so in all circumstances, and particularly in those in which the things he alledges were practised, whether the Church act always as a Church, or be responsible for all that is done by her, whether Fathers, or Children; and whether in the cases insisted on by him; with the rest of the many points of which he gives occasion to discourse, might peradventure stop the career before it came to the convincing Quotations, and put him to the charge of more proofs, then those he has provided.

But since I am at liberty, I conceive it best to gratify his expectation, and deny just where he would have me. For indeed to deny in the wrong place without necessity, may I fear shew something disobliging. 'Tis as if a man should rudely call for mutton to him who had provided Capon and Pheasant. I joyn issue with him therefore where he desires and expects I should, upon the first part of his second *Minor*, and deny that the Church at any time has believed and practised, as he pretends. And this because I believe it will be found, the Church, or rather men of the Church, were in those times, as now, divided in their sentiments of this business. Some were for such a power, as he would have in the Pope, some were against it, both acted according to their several persuasions. And I conceive that what is done by one part of the Church, and contradicted by another, proves not the Act, and much less the Faith of the Church.

Again, although there had been no difference of sentiments and practices, I do not understand how the Church can be engaged, unless she proceeded on those grounds, on which alone the Church, as a Church, or Congregation of faithful can proceed. To this I apprehend two things necessary: First, that the point have been originally revealed by Christ; and 2dly, that this revelation have been

preserved by an uninterrupted and uniform practice of the Faithful. If any, or all, of those who make the Church believe or act on other grounds than these, I conceive they believe and act, not as a Church, or as faithful, but as men, or scholars, or in some other capacity. And because, for any thing appears in his Argument, these conditions may be wanting, I deny any engagement of the Church in his concerns, and for the same reason, his last Consequence too, conceiving, whatever he may hope, that though he do shew all he undertakes, it will not follow that the Church has believed, taught, and practised, as he contends.

And now in truth we are at an end of our Argument; at least what remains belongs to him, not me. His consequence since it is denied, must be proved, if he will have it pass, and till then there is no more for me to do. It is neither needful, nor indeed much to purpose to examine farther what he says, if what he says will not prove his intent. However since in likelihood something may occur, which though unnecessary, may yet be grateful to the Reader, let us hear at least what his witnesses say. Kings and Emperors and Popes carry with them too much respect to be deny'd audience.

We are told then, that *Gregory* the 7th. threatened the French King, and his subjects, and deposed *Henry* 4th. King of the *Germanys*: Besides that he formerly taught this doctrine to the Church, and called the contrary wicked folly and madness, as bad as Idolatry. Farther that *Paul* the 5th. forbade the Oath of Allegiance; *Innocent* the 10th. censured the negative subscribers; and *Alexander* the 7th. the Irish Remonstrance. And all this dilated with several circumstances, not forgetting the very year in which each thing happened, and Vouchers brought, and exactly quoted for every particular.

I verily believe this exactness might have been spared. These things are too well known to need more ado about them than bare naming. I wish they were not, for the honour of Popes and reverence we allow to their sacred and supreme dignity. And could they be concealed, I for my part would rather lose an opportunity of shewing Erudition, then publish them. But since this Gentleman has thought fit to bring them once again upon the stage, what will he make of them? All this is in two words, Popes have appeared for the deposing doctrine all the ways they can. And what then? Is all that Popes think true; all that Popes do, well done? Had he first shew'd

shewn the Actions good, and opinion true, he had deserved well of Popes, by shewing them to have abetted goodness and Truth: But that remaining in question, to expose their actions to the same question, is, I fear, no very good piece of service to them. And 'tis a worse to Christianity to assume their proceedings in proof of a point of Faith. The Authority of Popes, he knows well, tilts not the ballance, unless their Infallibility be cast into the scales. And for that point, I refer it to himself, if it be any more than a probable opinion, and that even according to his own value, if he hold it. For he is not to learn that every body sets not the same rate upon it, many holding it very improbable and very false to boot. Now if it become a schollar to suppose that point, (for he offers not any where to prove it) a point upon which all the stress lies, and which he knows is strongly contested; I cannot think it becomes a Catholick to make a probable opinion a premise to infer a point of Faith. For this is plainly to make his Faith, a probable, and uncertain, and for ought he can tell, false Faith. I would entreat him the next time he writes, to have more concern for Christianity, and less for his espoused opinion, and in the mean time, change his hopes of having his Inference pass, into a desire that it may not. For I must hope, with a confidence something better grounded, that God will have more care of his Church, then to suffer her Faith depend on Probabilities, if they be so much, and the Rock on which he has built her, crumble away into slippery sand.

But now to see how he sets off his ware; how like an Artist he covers the weakness of what he says, by the strong expressions in which he cloaths it, and strives by his big words to fright us into an apprehension there is something in it, if we could finde it ! If I shew, says he, That Popes have taught it as sound doctrine; As if they, or any body in their wits, can be imagined to have taught any, as unsound doctrine. No body yet ever cry'd stinking Fish. Proving it from Scripture and Tradition: That Scripture should have been pretended is no such wonder, or praise. No Heresy, that I know, but has attempted as much. But for Tradition he must pardon me, if I suspend my judgement till I hear what his witnesses say. For to me it seems a riddle, that Tradition should be so much as pretended. *And condemned the contrary, as erroneous in Faith, perniciously, and madly, and insisted censures on them that held it:* As if people did not use to give hard names to their

their Adversaries, and do all they can against them. Many an honest man has been called knave. The question is whether those opinions, and those men, deserved those censures, and that harsh language; if they did not, they had the worse fortune; to be wrongfully aspersed heretofore, and for no other reason but because they were so, concluded guilty now.

Again, we are told, that *Gregory the 7th deposed Henry the 4th in a Patriarchal Council.* I am very sorry he did so, and wish with all my heart, truth would give me leave to deny that fact. But for the Patriarchal Council, I must again suspend till better information. For I suspect few of the Nations belonging to the Patriarchate were represented in that Council, save the *Italians*; and know a good part of the *German Nation* by Counter-Councils among themselves directly opposed it. Yet though it were true, I believe it does not, even in his own judgement come home to his purpose. That he did it *ex Cathedra, as Vicar of Christ, and successor of S. Peter*, &c. I wonder in virtue of what other Authority he could pretend to proceed; or how he could act at all without pretending some: And for the mystery of doing it *ex Cathedra*, he may, if he please dispute it out with *Lanoy*, for I must confess I do not well understand it. That *this sentence he publisht to the Empire in a Breve, and his Legats in several Nations of Christendom.* Since it cannot be imagined he intended to make a secret of it, which way should he publish it, but by Letters, and Messengers? Lastly (for I will mention no more) *that he did not only believe, but formally teach this doctrine to the Church by Canons publisht in a Patriarchal Council at Rome*; for which he cites the famous *Dictatus Papa*. This of all the rest, might in my opinion have best been spared, both for his own and the Popes credit. For my part I conceive it becomes me to use a little more respect than he has done, and not say all to which this objection tempts me. Had he imitated the prudence of those, who though they balk nothing which they thought material, yet forbore to meddle with these *Dictatus*, I believe he had deserved better of some body. If he have entertained a fondness for them, and will uphold them whatever come ont, let him if he please, maintain them against *Wimbrington*, who flatly denies they were defined by the Council. As for me I will have no more to do with them, only I would gladly know whether he do in earnest believe all they contain.

contains. If he do not, methinks it is not fair play to obtrude on others, what he believes not himself : If he do, it is the less wonder he makes the Churches Faith but probable, since he can be content with one, to make the best on't, very improbable, and very singular. For I dare say there is not one man in the Church besides, who believes as he does.

Now all this seems to me, but much ado about nothing: The sum total of all these, and if there were as many more, particulars, amounts to no more than this, *Popes did it*. And for this I think he needed not have brought in his Bill; it would have past well enough in the gross. But when he urges payment, people desire first to be satisfyd whether they are obliged to discharge the Popes debts. He had done something, if he had shewed we stood bound for them, obliged to justify all they have done in this particular, and to believe, and that with divine Faith, all was well done, and may and ought be imitated. But barely to shew they have done what before he set pen to paper, every body knew they have; and this with so much circumstance and aggravation, is to take much pains where none needs, and none where they do. For all that, I cannot but acknowledge he is a great man in his way. Of all the places, which Art has invented for amplification, I think there is none wanting. There is the *Who*, and the *What*, the *How*, the *Where*, the *Why*, and all the rest, not so much as the *When* forgotten; which though a body would think not much material; it importing little, whether these things happen in 1074, or 1084, yet I know not how, his formal *In Anno* has its Energy. And though I believe the discourse would have shewn better spoken, then writ, because this way it looses much of the advantage, which a solemn gravity, a pleasing and emphatical delivery would give it, yet even this is tempting. For there are few who will not be apt to think there must needs be some sence, where they see so much exactness, Authors so accurately quoted for every particular, and care taken of every Minute, circumstance, even the very Year of our Lord.

Before I pass to the next Head, it will not be amiss to stop at a quotation or two by the way. Out of a letter of the deposed Emperor Henry the 4th, he cites these words; *Ad quoque quem S. S. Patrum traditio soli Deo judicandum docuit, nec pro aliquo crimine nisi a fide, quod absit, exoritur averim, deponendum censuit*. The words as they ly in the letter, are these: *Ad quoque (licet indignus*

inter Christianos sum ad Regnum vocatus) *Te teste, quem S. S. Patrum, &c.* as he cites, save that he puts *Censuit* at the last for *Afferuit*, which is not much material. I would English the period, if I knew how, but I cannot make out the gramatical construction, to which there seems something wanting. However, besides the Parenthesis, of no great import, he leaves out two words, which as short as they are, quite alter the sence, viz. *Te Teste*, or, *according to your own verdict*. To say absolutely, the Fathers allow me not to be judged, or, if you will, deposed, but only for Heresy, is much a different thing from saying, even according to your self the Fathers allow me not, &c. This is what the Emperor says; so make him say otherwise is an evident falsification: Though I do not suspect this Gentleman guilty of it. For I believe he has not seen the letter himself, but taken the quotation on trust from some body, who has not dealt faithfully.

-But yet there is no great force in it, though it pass in his own terms. As for the first half of the period, the Emperor is undoubtedly in the right. For the Fathers do indeed teach, that sovereign Princes are to be left to the Tribunal of God. But for the exception of Heresy, which is in the second part, I would gladly be directed to those Fathers who made it. I have neither met with it my self, nor heard of any who has found it so much as in any one of them. Nor do I know how to reconcile the second part of the period with the first, this exception to the Fathers either doctrine or practice. For since they refer the judgement of a Prince to God alone, I see not how they can allow him to be judged by any body else, even for Heresy. Again Heretick Princes there were in their days, but Deposition was never thought of. They have been excommunicated, but still obeyed. The practice then of the Fathers was against this exception, it appears not, nay, the contrary does appear in their words: what necessity is there to believe the Emperor in this point? will he have Emperors make Articles of Faith too? deposed, and if he credit his own quotations, Heretick, and Arch-Heretick Emperors? For his *Henricians* had their name from him.

Again, he says, *in a Dyce of the Empire there was no plea against the Popes Jurisdiction, no not by the Kings own Advocates*. A wise observation, and much to purpose; as if people were obliged to say all they think for their men at all times, and did not insist now on

one plea, now on another, as circumstances direct their choice. In the contest between *Paul* the 9th. and the *Venetians*, it was debated, whether they should appeal from the Pope to a General Council, and 'twas carried they should not, because they thought it needless so to do. Otherwise they thought it lawful enough, and told their subjects they did therefore refuse to make use of that remedy, to which their Ancestors and other Princes had had recourse in such cases, because the apparent injustice of the sentence against them required it not. Such was the case in hand: The Princes of *Germany* met to examine and decide the controversy betwixt the Pope and Emperor according to the Canons, as he himself; out of *Urspergensis* observes: And he can finde fault the Popes jurisdiction was not questioned, when by agreement they were to proceed in another method. The Emperors friends thought him unjustly dealt withal, even according to the ordinary proceedings of Law, and because they undertook to make this good in an assembly of the wisest men of their Nation, does it therefore follow they had nothing else to say?

But now come his witnesses, who are to give in their evidence that the Pope proved this Doctrine by Tradition. This I have longed for a good while, it seeming very strange, that wise men, as Popes are, should attempt a matter so unlikely to succeed. The evidence runs thus: *Eos qui dicunt Regem non oportet excommunicari, Sec. ad S. S. Patrum dicta vel facta mittimus.* Why but the matter in tryal is deposition; pop us not off I beseech you with Excommunication. Speak if you please to Deposition. *Considerant cur Zacharias Papa regem Francorum deposuerit, & annis Frangigenas a vinculo Juramenti, quod sibi fecerant absoluerit.* Why but this is not Tradition; 'tis a single fact, and that not true neither. For 'twas not *Zachary*, but an assembly of the Estates of *France*, who deposed *Chilperic*. The Pope concurred no farther then by privity and consent, and perhaps dispensing with their Oath, but they deposed. I think it not fit to enter into those questions which may be raised concerning that dispensation, it suffices that he deposed not, and if he had, that one Deposition is no proof of Tradition. And so the proof of Deposition by Tradition is made up of two instances, whereof one has no Deposition, the other no Tradition, which is what I suspected before hand it would come to, and ad hoc illa in vulgo ou
There is not a word more of this business in all this Treatise. Unless the quotation following a little after, about *Gregory the great*,
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be referred to it, which because he cites for another Head, I conceive he intended not. But if he do think it worth insisting on, let him first try to make out against *Launoy*, that there ever was any such thing. For he contends, that this so much canvast priviledge, is a meer forgery, and I apprehend he would not be very wise, who should labour much in expounding a decree, which perhaps was never made. And yet they seem to be less wise who forged it; sure they understood little either of *St. Gregory*, or of the world, who make that wise and holy Pope, one who by his words and actions owned himself a subject to his Emperor, decree Deposition, and not content with that, Damnation. For my part I never heard of any power left with *St. Peter*, or his successors to damn men. And have been taught all is in *Edificationem*. So that even admitting the matter of fact, all that can be made of it, is at most a Commination, to fright people from wickedness by the apprehension of the mischiefs which may attend it.

Popes have hitherto furnisht matter for his discourse, now he passes to Councils, and produces first the *Council of Lateran*, an undoubted general Council, and the greatest, for number of Prelates that ever were. Who had a minde to raise doubts, might peradventure finde somewhat to say to this confident Gentleman, and be countenanc't by the Authority even of a General Council too. For if this Council be so undoubtedly general, how hapned it that the *Council of Florence* call'd themselves but the 8th. General Council? How came *Cardinal Pool*, no ignorant man in the History of the Church, to be of that opinion? To the 8. General Councils held in the East, add the two he cites, of *Lateran* and *Lyons*, and leave out those of *Basil*, *Constance*, and *Vienna*, The *Council of Florence* comes to be the eleventh, not the 8th. So that as undoubted a business as he makes it, there have it seems, been those in the world who have doubted of it, or at least not acknowledged it, which I think is as bad.

But we will not fall out about this point. I am well content the Council be as general as he pleases. If he will think fit to be a little more wary another time, 'tis as much as I desire. I cannot tell whether he foresaw what I would have, but, as far as I see, he is resolved to gratify me, being so wary in the rest, that he makes no play at all. For he barely relates the matter of fact, but offers not to apply it to his conclusion, nor gives any hint whereby it may be quest what service he would draw from it; So that I
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am something at a loss what to speak to. I know indeed his journey's end, but which way he means to get to it, am quite to seek; Because he undertook to prove the not-deposing doctrine Erroneous in Faith, &c. This Council (I suppose) was intended for a *Medium* by which to make good that undertaking. Now how he will couple both ends to the middle, and out of this that a Canon was made, in which the deposing doctrine is suppos'd, infer the contrary Erroneous in Faith, is the difficulty.

For my part, I conceive, that Councils use to define those things, which they intend we should be obliged to believe, and have been told, that when they do not we are at liberty. I think he will not deny, that to make a Canon is one thing, to define another. I think he will not deny, that 'tis at least current doctrine, that in Definitions, there is no necessity of believing more then the bare Definitions themselves. Antecedents and Consequents, the very Reasons themselves alledged for the Definition, are expressly excluded. I presume too he will acknowledge, that Canons may be made on suppositions short of the certainty of Faith, and known to be so. And if he will deny none of this, I cannot see how he can hope it will not be denied to him, that because this Canon supposes his doctrine, it follows that the Council did suppose it to be a point of Faith: and much less, if it did, that the supposition was true.

I cannot tell, as I said before, whether he would make his Argument in this manner; but I think he should in this or the like. And then *Bellarmin's* doctrine followed generally by Divines, and I verily think by himself, to my apprehension hinders it from concluding. However, as it has been observed before me, this is a plain case, and which cannot be denyed, that the Act in question is a decree of something to be done, not a Definition of any thing to be believed, and that we who are not to believe more then barely the Definition should be obliged to believe what is not defined, is a morsel of too hard digestion till he have chewed it better. It is but little short of believing it is defined, because it is not defined. For he would have it believed, because it has been decreed, or supposed; and Decreeing, and Supposing are plainly not-Defining. If he will have it at least obliging as to practice, he must first make out that obligation from our National Laws; otherwise I must tell him, that is a pretence which would have exposed a man to punishment, even in Catholick times.

I pass by the Replies he makes to the answers, which he objects against himself; not that I think them satisfactory, but because I think it needless to meddle with them. *Witbrington* had the refusal of them long since, and has acquainted the world why he would not take them for good payment. If I thought it to purpose, it were as easy for me to borrow Answers, as for him to borrow Objections.

Next, he brings in the Council of *Lyons*, which he serves just as he did the former; tells the matter of fact, which every body knew before, and sets it off with his emphatical aggravations, and leaves us to guess what it makes to his purpose. If people will be good natur'd, and allow his conclusion follows from it, he is the more beholding to them; if they will stand upon their terms, and expect to see how 'tis connected with his premises, they may expect for him. If they cannot find it out of themselves, 'tis like to remain hidden for any care he takes. Now it had been convenient to have said something to this point; otherwise a particular sentence, in a particular case, with particular circumstances, seems not altogether so much as a Canon. This Emperor had made a positive submission to the Church, which how far it authoriz'd the proceedings against him, I cannot tell, sure I am, it is a circumstance not always found.

What he would make of this business, he alone can tell. What I can imagine, is, that because this Council, or Pope in presence of the Council, did depose the Emperor, they supposed, or took it for granted they had power so to do. And so far it agrees with the former Council: and the same Answer will serve for both, viz. that suppositions are no Articles of Faith. I am sure nothing can be more evident in the world, then that either the common doctrine, of Divines, not excepting himself, must be chang'd, and we oblig'd to believe upon the credit of Councils, more then their Definitions: or there is no appearance of necessitating belief where there is no Definition.

Thus much peradventure is more then needs be said in the case, but yet, not to leave the Reader altogether so much in the dark as he does, let us consider the matter over again. The Council of *Lateran* made a Decree concerning Deposition; The Council of *Lyons* assented to an actual Deposition; therefore they were both perswaded, they, or the Pope, had power to depose. I, for my part,
see

See not what more can be made of it. If this Gentleman be quick-sighted, he may, when he thinks fit, press it as he pleases; for indeed it belongs not to me to make his Argument for him. But taking it in this manner, which to my dulness gives it as much strength as it will bear, let us see what force it has. Such a man as *Launoy* peradventure might be apt to make an exception which would not fall in every bodys way, and say, that whatever claim may be made from these Presidents in behalf of General Councils, or Popes, in and with them, there is no colour, from them, for Popes without them. I know not whether it might not prove troublesome enough to shake off the importunity of him, who should hang scrupulously upon such a fancy. But I intend not to insist on it my self. For I know not that Councils pretend to the power of Deposing; and though they should, I should think them as unreasonable, as those who will obstinately fix it on Popes.

For the difficulty, I admit that both Councils were perswaded that they had power to do what they did; and observe that they do not decree this perswasion of theirs to be true, but something to be done in consequence of it. I observe again, that people may be perswaded of the truth of things by motives of several kinds: by Arguments drawn from Faith alone, or Reason alone, or both together, by sense, experience, and the rest. I observe too, that from the action of a good and sincere man, may be gather'd his perswasion of the lawfulness of that action; but not the quality of that perswasion, that is, whether it proceed from Faith, or science, or any other way; no more then I can tell when I see a Tenant pay his Rent, whether he have a Lease for years or lives. I observe farther, that who is truly perswaded of the lawfulness of an action, may, and does without scruple, act in consequence of that perswasion.

These things, which, I think, no body will question, being put together, it remains to see what they will spell. The Antecedent is, *These Councils were perswaded there was in the Church a deposing power.* The Conclusion which he would have follow is, *Therefore the deposing Doctrine is of Faith.* Another perhaps may infer, *therefore the deposing doctrine is true.* I conceive there follows neither the one, nor the other.

To begin with the first, I see not what can be clearer, then that if that perswasion of the Councils might proceed from any other ground, it cannot be concluded to have proceeded from Faith, un-

less something more appear then the bare perswasion. If I should go about to dilate the point, I fear the Reader would think I had a very bad opinion of his capacity. For 'tis in short: of a thing which may be done many ways, we cannot tell which way it was done, purely by knowing that it was done; then which I think nothing can be more plain. I think no less plain, that the perswasion of those who made up Councils, may proceed from other motives then Faith: because men by entring into Councils, do not leave their former judgments at the door, but carry them in, and speak, and vote according to them, till by conference, or otherwise they come to alter them. That the judgments which they carry in with them are not all grounded on Faith, admits no dispute. For we see it as plainly, and know it as certainly, as that they are men, and have judgments. This being so, I see not how it can be denyed but men in Councils may act upon Judgments which they brought along with them, and were grounded perhaps on other motives then Faith. Indeed when they decree any thing to be believed by the rest of the world, or in the common language define it, without all question, they take it for Faith themselves. But this they have not done here, and therefore have neither laid any obligation on us to believe any thing, nor left us any colour of concluding, because they proceeded according to their Judgements, that those Judgments proceeded from Faith, so much as in their own opinion.

I need say no more to this point, the bare possibility of the case being enough for my purpose. For no man I am sure can convince it is thus, if it may be otherwise. But yet to carry it on a little farther, I will add, that as far as we have means to guess at the ground, on which their Judgements were built, we have reason to think Faith was not that ground. For, as I observ'd formerly, to Faith, speaking of Catholick Faith, there go two things. The point must have been in the first place originally reveal'd by Christ, and then preserv'd by a constant and uninterrupted acknowledgement of Christians. Of these two, the later, to Catholics, is the proof of the former: they not doubting of any Article, which has been universally and uninterruptedly believ'd to have been reveal'd by Christ, but that it was in truth reveal'd by Christ.

Scripture indeed is an unquestioned, and unquestionable ground of Faith too. But it may happen that the sence of Scripture may be controverted; as it falls out in the present dispute: *The Pasce over,*
and

and *Dabo claves*, and the rest, being differently understood by the different parties. Catholicks acknowledge no means of determining a controverted sence of Scripture with absolute certainty, but the uniform and perpetual consent of the Faithful understanding the controverted places in a determinate sence, and witnessing that understanding by practising accordingly. So that to them the sence written in the hearts of the Faithful, and appearing in their actions, is the security even of the sence of Scripture. This point to Adversaries would ask more clearing; Catholicks I presume will not contest it, and I speak only to them. Wherefore, whether Scripture be insisted on or no, Tradition still must warrant whatsoever can, among Catholicks, pretend to be a part of Catholick Faith. The whole stress then will lye in this, whether those Councils were perswaded they had this warrant, for their perswasions of the lawfulness of their actions. that is, whether they thought the generality of Christians, in all times and places, did believe Christ had taught, or given deposing power to the Pope. And I am much mistaken, if he who will enter into the consideration of this matter, will not finde reason to conclude it neither likely, nor indeed possible.

For in the first place, if it could have been pretended, I do not see how it could happen that it was not, at some time or other. We see what was alledg'd in their behalf, and, by this Gentlemans favour, we see it was not Tradition. The Councils indeed speak not for themselves, so that we have no light to guide us, but what breaks from Popes. And from them we see nothing but the Authority of *St. Peter*, to Binde and Loose, to feed the sheep, &c. in those expressions of the Scripture, which by none of the Fathers before them were ever interpreted in the sence they put upon them. Of the writing foretold by the Prophet *Jerem.* 31. in the bowels and hearts of the house of *Israel*, I finde no mention. Now whatever others say, I suppose no Catholick will think Scripture interpreted otherwise then for ten whole, and those the first, Ages, was ever dreamt of, nay not only unattested, but contradicted by their doctrine and practice, any argument of Faith; nay not even though that interpretation should happen to be true, if we speak, as we do, of Catholick or to the generality obligatory Faith.

To him indeed, who by his greater learning and greater diligence, should with certainty discover the sence of any place, perhaps undiscover'd before, that discovery would beget true Faith, as to his
own.

own particular, and as many more as by his or any means arriv'd to see as much as he. But this would concern no more then themselves. The generality of Christians would neither be oblig'd to examine whether they were mistaken or no, nor to believe them without examination. And though the businesse belong properly to Faith, yet it partakes much of the nature of Learning, obliging the assent of those who see the truth, but none else so much as to look after it. But I begin to stray. What I insit on is, that nothing has been produc'd, whereby it may be gathered, that the Councils alledged thought the deposing doctrine attested, as a point of Faith should be. Whence I conceive may be gathered, that no such thing could be produced, and that they had no sufficient motive to take it for a point of Faith, and therefore did not take it for such.

But not to rely on a negative proof, it is beyond dispute evident, that all the Ages before *Gregory* the 7th. were positively against deposing doctrine. They taught unanimously, that sovereign Princes were subject only to God: and their crimes, if they committed any, to be judged by him alone. That the two supreme Powers were independent, and neither to meddle with the other; with a hundred such things absolutely incompatible with deposing. No exception of Heresy, or any other case was ever dreamt of, or though it had, could have been thought other then a dream; for no man-awake, and in his wits could hope to make it consistent with the then current doctrine. In their own time we are told it was disputed and undetermined among Schollars. It was termed thrusting their sickle into other mens harvest. It escap'd not the imputation of novelty, not to say heresy. For my life I cannot see how he, who, notwithstanding all this, will maintain, it was possible these Councils should think *Deposing* had always been believ'd by the Church, can avoid the rude irreverence of making them utterly ignorant how the world went not only before, but even in their days: unless, with a more unpardonable and more impossible injury, he make them force upon themselves an assent to that, which they themselves, and all the world besides, knew to be false.

Farther to look into the practice of former, and their own times, it is as clear, as that there were any such times, that the case hapned more then once, wherein, had the doctrine been known, it had been very seasonable to have come to Use and application. To pass by the carriage of Christians to Heathen Emperors, for the, I think, unreasonable

unreasonable exception taken to it, it is known that since the prevailing of Christianity there have been Emperors Apostates, Hereticks of several denominations, and Persecutors : Who, not content with erring themselves, have employ'd all their industry and power to force those errors upon their Subjects : who have taken away the Churches from Catholicks, and given them to the favorite sects ; afflicted their persons with imprisonment, banishment, death. And all this found nothing but patience and obedience from them. A zealous Prelat would now and then proceed to Excommunication, and acknowledge and obey the excommunicate Prince when he, had done But there was the *Non plus ultra*. Knowledge of their own strength, and the easy means they had to make resistance, never tempted their subjects to resist. In their own days, They saw there were soldiers to fight for deposed Princes, Schollars to write for them, Bishops to hold Councils, and preserve the reputation of Religion to their party. Reconcile this who can with a perswasion in the cited Councils, that Deposing was warranted by the perpetual practice of Christians, who with their own eyes saw Christians practising otherwise. Though the example of former times be enough for our purpose. For they were inexcusable for not putting this doctrine in practice in their circumstances, if they knew it : and if they knew it not, it is undeniable that it could not come to after ages by succession, the only way by which Faith can come.

Again, who can think this doctrine was formerly held of Faith, when we see it is not so now ? Of the Abbetors of it, few will stand steddily to it, that it is down right Faith : most plainly acknowledge it is not. Because he shall say he has met with a fair Gamester, I will put it even to this Gentleman himself, who for all his big words I verily believe is of the same minde. Not that I do so much as suspect him of insincerity, or that he speaks not according to his judgement when he says, and would prove his opinion, is of Faith. But I think this judgement of his, grounded on speculation, or perhaps prejudicate education, is contradicted by another grounded in nature, more deeply rooted, and a stronger principle of his actions. For truly I cannot think he would for any good communicate, in holy things, with men, whom he takes for flat hereticks. I cannot think he makes any difficulty to communicate thus with those of the opposite way : for example, to receive or give Absolution, or the Holy Sacrament, &c. to, or from them. I suppose whatever he says

says, he acts in this manner without distinction between the one and the other as to these matters.

But if he should be more scrupulously nice, then I have any reason to suspect, I must tell him he would run away by himself, and set up a practice of Christianity different from what is publickly own'd in the face of the Church. In *France* there are men of both persuasions; the one side findes the doors open at *S. Louis*, the other at *Perr-Royal*, and as they see fit perform the dutys of Christianity in either place, none enquiring of them what they hold in this point. This the Church in *France*, and out of *France*, sees and blames not. To go about with scrupulous novelty to alter this settled custom, would, I believe be lookt upon as little less then setting up Altar against Altar. However, while things are carried in this manner, while Churches, Confession-seats, Altars, and whatever belongs to the exercise of Christianity are free for this persuasion, he that will say, this persuasion is by the Church taken for Heresy, must say that Heresy is by the Church admitted to Communion in all the most holy things. And who will say, that though it pass not in the Church for Heresy, yet intruth it is so, must say, there is a point of Faith lost, and the Church has forgotten something taught her by Christ. Both which, if this Gentleman think not inconvenient, I for my part think impossible.

I am not ignorant that Card. *Perron* tells us, the Pope tolerates doctrine contrary to his own, for the good of the Churches peace. But then he must suppose the Pope does not take his own doctrine for Faith, otherwise he could not have made him a worse complement. This is as much as to say, that the Pope tolerates the casting of the Churches pearl to swine; the prostitution of the Sacraments, and whatever is most holy, to great, and unrepenting, and obstinate sinners; (for such the Cardinal, I suppose, takes Hereticks to be) suffers his sheep to go astray, and, without regard to his pastoral duty, freely to feed on the poysonous herbs of Heresy, &c. And all this for the good of the Church. As if any thing could be more contrary to the good of the Church, then to give the right hand of fellowship to Hereticks.

'Tis so far from good, that 'tis most plainly ruinous to the Church. For when once Hereticks enter into her communion, she ceases to be a company of Faithful. Neither indeed can Heresy be tolerated in a Church; in a state it may; and 'tis often expedient it should.

should. But that Church unchurches it self which gives admittance to Heresy, I mean so as to acknowledge for members those who profess it : nor can there be a plainer contradiction in the world then that a man should at once be an Heretick, and a Member of the Church, or an Heretick, and a not-Heretick. But the Cardinal understood the world better then to let these things be obtruded on the Pope, and so tells us presently after, that, *He is contented to hold his own opinion true, and the contrary erroneous, without binding us to hold his opinion necessary as matter of Faith, and the other Heretical.* And therefore I think it but a reasonable request to this Gentleman, to allow us the same liberty the Pope does, and be contented with what contents the Pope. However I think I may safely conclude we have all the reason in the world to believe, that the perswasion of the Councils, imply'd in their proceedings, actually was framed on other grounds then Faith. (though, as I said before, that be more then needs, it being sufficient to my purpose that it might be so.) And consequently that to infer from their perswasions, that what they were perswaded of, was Faith to them, and ought be so to us, a very groundless, is, and very false inference.

Let us now turn to the second head, and consider whether at least it will not follow, that it was True. To make this consequence good, *They hold it, therefore it is true*, it is evidently necessary to adde this universal, *Whatsoever Councils hold is true*, and because Faith is set aside, *Whatever they hold, not by Faith, but Reason*, by way of discourse. Put this proposition now to Divines; They will tell us the Definitions of Councils are obligatory; the reasons alledg'd, even by themselves, are not. This I think is plainly to say, that the firmness of their Definitions is to be refounded into something stronger then their discursive facultys : and to acknowledge the Reasons even of Councils, and judgements groundd on those reasons, in as much as they depend on them, may be faulty. Put it to the sence of the Faithful, and we finde them expecting indeed from the providence of God, that Councils be exempt from error in Faith, and manners flowing from it; but not in other things. And this is to say, that in our case, where Faith is excluded, no infallibility is believ'd. Wherefore he who will pretend we are oblig'd to conform our assent to the perswasions of Councils, when those perswasions are bred purely by discourse, pretends we are oblig'd to take for true, what I think all the learned, and all the

Faithful of the Church are perswaded may be otherwise. The truth is, when Councils leave their proper work Defining, or declaring to Posterity the Faith receiv'd from their Ancestors, and fall to discoursing, or rather acting on discourses formerly made, which is more properly our case, they are not in strict formality, Councils. I mean in that propriety in which they are held to be infallible, but men assembled to be a Council, and proceeding now not as a Council, but as so many men.

Whatever be of that matter, because in the way of discourse there is no security against error, but science, or seeing what pretends to be receiv'd for true, connected with some other foreknown Truth whether natural or reveal'd: and nature endures not we should be oblig'd to receive for true, that of which we can have no security that it is so: this connexion of the perswasion of the Councils with some acknowledg'd Truth, must appear, before we can be oblig'd to own that perswasion for true. Had there been any, I suppose it would have been produc'd by some body, in so long time as this question has been canvased in the world. In the meantime we have no reason, till it do appear, to believe there is any which can appear: and to urge us, before, to take their perswasions for true, is plainly to urge us to do, what we have no reason to do.

That actually those perswasions were not true, all those must hold, who hold the deposing doctrine false. And they have to say for themselves, that it is a new doctrine begun in the 11th. age, against the doctrine and practice of ten Ages before: That it is opposite to the doctrine of Christ, who taught us that his Kingdom was not of this world; and by his Apostle that of necessity, we are to be subject to the temporal power, and this for conscience, and that who resist it procure their own damnation: That it confounds the two supreme and independent powers, and the obedience of their subjects, rendering it impossible to know how to carry themselves, when those powers clash, and secure themselves from falling either to God or *Cæsar*: That with an impracticable and impossible project it sets up one universal Monarch both in Spirituals and Temporals; of which inconvenience the verbal evasions which are alledg'd, when they come to be sifted prove meerly verbal: with the rest of what they urge, who appear for that way. As I am no farther concern'd then to answer the Argument in hand, viz. *Councils proceeded on contrary perswasions,*

persuasions; therefore *that doctrine is false*. I shall content my self with saying, upon the warrant of the reasons before alledg'd, that it is a weak and unconvulsive Argument, and that to stretch it farther, to engage Faith and the Church for that side, is much weaker.

Because the question mov'd by the Author of the Preface to these Treatises, concerning *Transubstantiation*, belongs to the *Council of Lateran*, I think it best, before I pass farther, to gratify his desire, but briefly, and as is proper for one who is about other business. For the difference he would see, betwixt the coming in of *Transubstantiation* and *Deposition*: we hold the one came in with Christianity, the other is not come in yet. And flatly deny what he assumes, that the same approbation of the Church is, or can be produc'd for both. For what he says, that they have the same Popes and Councils for them, I understand not what it can mean more, then the Authority of the Council, and the Pope who held it. And by what has been said I conceive he will observe difference enough betwixt the two doctrines. The one was plainly defin'd, the other barely suppos'd. The Definition agreed with the Law written in the hearts of the Faithful: the supposition shockt it. And so the one was readily embrac'd: the other could never get quiet possession. Besides if he think *Transubstantiation* has all its firmness from this Council, I beseech him, in my turn, to reflect, how it happens, that 'tis believ'd by those who perhaps never heard of the Council. Or if they did, do not value it, as having left communion with the See of *Rome*, long before the Council was held. I beseech him again to be contented with this little: thinking it very improper to enter far into the Merits of such a cause as *Transubstantiation*, which deserves and requires exact handling, in a Treatise of another subject. To mingle such disparate matters is but to spoil both.

The 5th. point which he will undertake to shew is, *That all Catholick Divines and Casuists that have treated of it, from the first to the last (as before Calvins time) in all the several Nations of Christendom, have asserted this power of the Pope, without so much as one contradicting it in all that time.* This Topick, I must confess, frighted me. For what? Must a man be oblig'd to reade all the Divines and all the Casuists of all the Nations in Christendom before *Calvin*? Has this Gentleman who so confidently undertakes for all, read half of them? Can he answer there is a man in the world who has? If to see the truth of this allegation be necessary to the decision of the questi-

on, the question never will be decided. If it may be decided at all, it must be by some other means, and the allegation is plainly impertinent.

But I must tell him 'tis impertinent on another score. Divines and Casuists are Schollars, men who undertake to prove what they say; and when their proof is good, what they say is to be accepted for the sake of that proof, not for theirs. For they may and do often mistake, and are freely and irreprehensibly contradicted every day. Wherefore let what he says be supposed true, which whether it be or no, neither he or any man else can tell: and I believe before we have done, there will appear some reason to think it not true: but yet let it be allow'd, that all Divines, and all Casuists, and all Canonists, whom he afterwards adds, have asserted this doctrine: I ask whether in this great crowd, there be any one who has brought a convincing proof of what he says? If there be, let that proof be produc'd; for that alone will do the business. No matter who says it, or whether any besides himself ere thought of it. But if there be none, the thing remains still unprov'd; for the sayings of ten times as many more without proof, does not make proof.

If this Gentleman think number signifies any thing in this case, it will concern him to teach us, how multitude gives authority to those, who pretend to none but in virtue of their proofs, and which way many not-provers should become provers.

And when all is done, though he could produce this proof, (which if he thought he could, I suppose he would not send us to look for it where possibly 'tis not to be found) it would not be enough for his undertaking. For he takes upon him to prove his opinion to be Faith, and proof from Schollars, stretch it to the uttermost, will not reach farther then to prove it true, which a thing may be, and not be Faith neither. So that by the favour of this Gentlemans learning, this big sounding Topick is wondrous slender in point of sense: and when he has shewn it, he will only have shew'd himself a mighty well-read man in things, which deserve not altogether such pains.

But how will he shew it too? For to my thinking, it is something a difficult matter, to crowd such a number of Authors into the small space he has left of his short Treatise. You may, says he, see it abundantly prov'd by that admirable man Card. Perron in his Oration, &c.

Truly

Truly that speech is something longer then this writing; but yet Cardinal *Perron* is an admirable man indeed, if he can make it, though it were longer then it is, hold them all. But I observe it is with this Gentleman as with the generality of the world, among whom performances are not altogether so large as promises. He undertakes for all Catholick Divines and Casuists, and when he comes to make good this undertaking, these *All* shrink into scholastical Divines, &c. Alas! was there no Divinity in the world; no skill in cases and the Laws of the Church, before the School? Are the Fathers no body, or have they said nothing relating to this matter? Does it no way concern us, That *the Clemency of God and tears of Christians are their only remedy against Persecutors*? That to resist otherwise then with tears and sighs, *Priests neither ought nor can*. That *Princes have none on Earth who may correct them*: That *Kings are free from the bonds of delinquency*. That *no laws punish them who are safe by the power of their Empire, and not accountable to men*. That *the spiritual Key extends not it self to Temporals without arrogance*. That *the Church has no power but spiritual: and that to quicken not kill*. That *the Bishop has no power to meddle with the Palace, and Regal dignity*. That *Popes, holy and wise and great Popes profess they ought obedience to Emperors, and were subject to their commands*. This was doctrine taught in the Church before *Calvin*, by those who past for Divines in their days, and if this Gentleman would but give them his good word, I think might do so still. And this doctrine being evidently irreconcilable with a power in the Pope, which extends to temporals, corrects Princes with temporal penaltys, causes them to be resisted by violence and Arms, *in fine* with deposing doctrine: it is evidently undeniable, that some Catholick Divines have not asserted that power of the Pope.

However because he says the Cardinal has prov'd the contrary, we will wait on the Cardinal, if only for the curiosity of seeing an impossible thing once come to pass. There the proof dwindles again, into those of his own Nation. Of these he names half a dozen, who, he says, have more exalted the Popes power, and whose words he therefore forbears to cite. And 'tis very likely that more then six have exalted the Popes power above what is fitting. Those whose words he quotes, are *S. Thomas*, (reckoning him among the *French*, because he studied and wrote in *France*,) *Occam*, *John of Paris*,
Almain.

Almain, and Gerson: chusing them, because they specify the case of Heresy or Apostacy, and because the four last have written in behalf of Princes against Popes.

2. 2. q. St. Thomas says, *the dominion of Infidels may be taken away by the Church, and that by Excommunication for Apostacy in Faith, subjects are absolv'd from subjection, and the Oath of Fidelity.* And St. Thomas says elsewhere, *that subjection even to infidel Princes is by divine right, and that for that reason, the faithful cannot be hindered from appearing before their Tribunals.* So that in this matter he is lookt upon as not thoroughly settled, and constant to himself, and may be let alone. The reason he gives of the first assertion, is because Infidel Princes deserve to lose their dominion. Which is sufficiently canvast betwixt *Bellarmin* and the two *Barclays*; to whom they may resort, whose curiosity will carry them so far. It seems odd enough, to make Demerit in them a premise to infer Power in the Pope; nor can I imagine which way they will be joyn'd together. Since St. Thomas himself has not connected them, I conceive it belongs to him to do it, who expects this authority should work upon us. Of the 2d. I see no reason at all, save that 'tis insinuated, that Apostacy may do a great deal of harm. But how that harm should make a spiritual censure have a temporal effect, neither S. Thomas says, nor any body I think can understand. In cases of Temptation from imminent dangers; the Christian remedy as I conceive, is a more diligent and careful practice of vertue, and obedience to Princes in lawful matters I always took to be one.

Lib. 8. The next is *Occam*, who says the Pope cannot ordinarily depose
quest. 4. 2. Emperors or Kings, *if his fault be not of the number of spiritual crimes.*
c. 8. And it is true, that *Occam* says so, but whether he thought so, is uncertain. For he declares he will not discover what he held himself, but only so relate what is alledged on both sides, as to conceal to which he adhears. And so gives the words cited for an answer which some make to an objection urged in behalf of the Pope; but tells us in the same place, that there are others who say, the Popes who deposed the Emperors, *Otho* and *Frederic*, did amiss; usurping a power which they had not. And elsewhere he says, there is, among divers others, one opinion which gives the Pope a plenitude of power, that is of doing whatever is not contrary to the law of God and nature, and this by Divine Right; according to which he may depose Princes, &c. not regularly, but on occasion, *Casualiter*,

as he calls it. But he says too, there is another, which denies the Pope has any such power, whether by Divine or Humane right, whether regularly or casually. So that by the Cardinals favour, it is manifest out of this Author, whom he produces for the contrary, that there were before *Calvins* time; Divines who, without any exception of Heresy, or the like, flatly deny'd the deposing power.

John of Paris is cited in this manner: If a Prince were an Heretick and incorrigible, and a contemner of the Churches censure, the Pope might do something in the behalf of (he should have said, *in*, or among, or with) the people: whereof might ensue, that he should be deprived of his secular dignity, and deposed by the people. And this the Pope may do in an Ecclesiastical crime (for so the words would be rendred) the cognizance whereof appertaineth to him, viz. by excommunicating all them who should obey such an one as their Lord. And there the Cardinal stops. It follows in the same period, And so the people would depose him, and the Pope by accident. Then he adds, so likewise on the other side, if a Pope should be criminal, and scandalize the Church, and be incorrigible, The Prince might Excommunicate him indirectly, and depose him by accident, namely, by moving, (perhaps admonishing for I suspect an error in the press) him by himself and the Cardinals. And if the Pope would not acquiesce, he might do something with the people, by which the Pope should be compelled to yield, and be deposed by the people: because the Emperor under corporal penalties, and forfeit of their goods, might forbid all and every one to obey and serve the Pope, and thus they can do one to another. If I understand English, what *John of Paris* says, is, that Deposition is wrought, not by the Pope, but people, and that the Popes part in it is no other, then the part of Princes in Excommunication. And because he says also (and this is the very period whereof the Cardinal cites a part) that the utmost penalty which the Ecclesiastical Judge can inflict, is Excommunication, or some such spiritual penalty, that he can do no more, unless by accident, that is according to his explanation, as a Prince can Excommunicate: I conceive he says plainly, the Pope cannot depose, and that here is another Divine before *Calvin*, who says, what this Gentilian would persuade us none ever did. Out of *Almain* the Cardinal brings two places. The first makes *Calvin* say, that in case a secular Prince abuse his temporality, he

the ruine of Christianity or Faith, it is not to be deny'd (*Almain's* words are, *Occam* deny's not) but that the Pope may depose him, though other Doctors deny it. And here again I think 'tis plain, that there were Doctors who deny'd the deposing power, whatever *Occam* did, who as has been observed before argues, and answers according to the several opinions, then on foot relating all, and standing to none. The second barely mentions the two places out of *Occam*, and *John of Paris*, before set down, by way of relation, without any addition of moment.

De Eccle-
siar. & Poli-
tica Potest.
Consid. 12.

Gerson says, The power Ecclesiastick ought not to presume, or usurp over the Rights, Dignities, Laws, and Judgements of the secular power, but when the abusing of the secular power redounds to the impugnation of Faith, and blasphemy of the Creator and manifest injury of the power Ecclesiastick. For then a remembrance must be had of the last clause of this Consideration; that in these cases the power Ecclesiastick hath a certain dominion repressive, directive, regulative, and ordinative. Truly this is not so much, as, I am perswaded will freely be allowed. The Anti-Deposers, so far as I can gather by their writings, will not boggle at a Coercive too, provided it keep within its proper bound, of spirituality. I think they make no doubt but if a Lay-man, whether private man or Prince, do any thing contrary to the Law of God, the Ecclesiastical power may, nay, ought direct, and regulate, and order, and govern this man according to that Law, (which is all that *Gerson* says here,) and also by separating him from the communion of the faithful, and participation of the benefits of the Church, compell him. But they do not think the temporal goods, which he abuses, may therefore be taken from him by the Ecclesiastical power. This *Gerson* says not. On the contrary in his 4th. Consideration, he delivers his opinion for the opposite, in the modest way of intitling it to others. There are says he, who say that this (*viz.* Excommunication) is the last penalty which the Ecclesiastical power of Jurisdiction can inflict by the sole primary institution of Christ: what they do more, as when they imprison, or punish corporally, being by the concession of Princes.

These are all the Divines, whose words are produc'd by the Cardinal. Whereof four flatly say the contrary of what he pretends, and 4th. speaks on both sides, but with a good reason when he is against him, and none when he is for him. And this is the abundant proof of all Divines, and all Nations which this Gentleman promised. There
are

are besides 2 or 3 Canonists alledg'd, with whom I will have nothing to do, because I think they have not much to do with the business. They are to tell us what the Pope has commanded. What power he has to command I conceive we are to learn of some body else. And so much for the abundant proof.

But there is besides, as he says, a convincing one. And that is, that neither *Withrington*, nor any body else, before Calvin, has been able to produce so much as one *Catholick Author* that deny'd this power in the Pope absolutely, or in any case whatsoever. If this be true, they are the more beholding to Cardinal *Perron* who has produc'd such Authors for them. But have not they produc'd them too? Have they not added others, who say, that whether the Pope can depose an Emperor (without exception of Heresy or other case) is a question debated among schollers, and undetermined: That 'tis a novelty not to say heresy: That if these depositions of Kings and Emperors, Translations of Empire and the rest, should move the Pope to do the like, he must know, if Religion and Humility would permit, they might all be truly and most clearly answer'd. Have they not brought others who teach doctrine absolutely inconsistent with his Tenet; as the Interdependency of the two powers, the confinement of the Ecclesiastical to spiritual matters, the subjection of Princes to God alone, &c. If he will say these determine not the question, because they speak not particularly of the Pope, & deposing, & Heresy, he may as rationally say, that nothing was taught contrary to Arianism before the Council of Nice, because the word *Consubstantial* was then first used. In short, this is to say, there is no meat on the board, because it is not serv'd up as he would have it. And if this Argument convince any thing, it is, that he has taken little heed to what has been said on the other side.

The 6th and last head is, that *all Catholick Emperors, Kings* (yea even they who were deposed) *States, Magistrates, and Lawyers, and finally, all the Catholicks in the world, for the time being, have* (by tacit consent at least) *approv'd and receiv'd this Doctrine of Popes, Divines, and Casuists, and these Censures, Canons, and Practises of Popes and general Councils.* Magnificently said! Why what a glorious noise does this approbation of the whole world make? How do you shew this, I beseech you? for this is worth seeing. Have you National Acts of all the Countrys in Christendom to produce, wherein these doctrines and practises are approv'd and receiv'd? On the contrary, are there not some Catholicks, and some Magistrates, who to your knowledge do not approve and receive them, and whom you call

wicked Catholicks, and in damnable error for their pains? I pray, Sir, let us see your proof. Truly you must excuse him for that matter. It is too severe to expect the performance of impossibilities. And so he never so much as goes about to bring any proof at all of this big undertaking. The terrible cloud, which threatens the approbation of all the world, vanishes at last into the thin imperceptible mist of *tacit consent*. And so much if you will allow him, why so. If not, you may let it alone as he does: for he takes no more care about that neither, then barely to say it.

Now I would fain know what this *tacit consent* means. The world, as it must always happen, was on those occasions divided into Concern'd, and Unconcern'd. People who were unconcern'd did then, as they always did, and always will do, look on, and see what's past, and minde their own business, and let others do what they think fit in theirs. May this be what he calls *tacit consent*? If their acting, or rather not acting, in this manner signify their consent, plainly they consented to both sides, to what was done against, as well as what was done for the Pope. Besides I have not heard silence interpreted for consent, unless where persons are concern'd to speak; and then if they hold their tongues, they may be thought to like that, of which they shew no dislike. Otherwise silence may be an Argument of no concern, but none of consent.

For the Concern'd, though he have discover'd the gift he has of confidence more then once. yet I cannot but wonder to see it could carry him to make them, too, of the party, and all, and always, the very deposed Princes themselves and all. May we in earnest rely upon it? For methinks 'tis strange, that all deposed Princes should submit quietly, without making any bustle; and the world hear no more on't. Was there never any opposition, no complaints in words, no defence of those complaints by deeds? To bid like a fair Chapman, can he name the single Prince, for whose *tacit consent* he can so undertake, as to perform when he has done? This I am sure, that the two he names, *Frederick the 2d* and *Henry the 4th*. were not altogether so meek. The first kept his Empire, in spite of all opposition, till his death, and in the mean time afflicted the Pope, and his partakers, with calamities which made him weary of his Life. The other made a woful bustle for many years, overcame divers of the Competitors set up against him, and held good till his own son, as he complains, shamefully betray'd him, and forc't him to resign. And after all, was in a fair way of recovering all again, when death put an end to his life,

life, and the quarrel together, the only end which the business had.

Saving his better judgement, I should think these things made some noise, and cannot very properly be term'd *tacit*, nor *consent*, nor *approbation* neither, unless Enemies be said to approve one another quarrel, who are together by the ears about it. I should think too that these two Princes could not make all this bustle alone, and that they had some, and a great many, who took their parts, and that strongly and constantly; and that these were Catholicks, unless it be shewn of what Heresy they were guilty. For as for the *Henrician* Heresy, then coyn'd to reproach them with, it signifies no more then opposers of the Pope. And the question being whether those opposers were Catholick, it is to beg it, to say they were not, but *Henricians*: or in other words, the opposers were not Catholicks, but opposers.

Their actions therefore plainly shew little consent. Let us hear their words. He tells us. p. 11 that the Emperor *Frederick* never excepted to the sentence against him, as given a *non Judice*. I cannot tell which fail'd him, his Information, or his memory; but one was much too blame. By his often citing *Matthew Paris* I should guess he had read him. And 'tis strange he should forget what the Emperor writes in a letter to the Prelats and Nobility of *England*, set down in the year 1646. The words are these, *Considerens etiam, &c.* Consider also what Justice is to be reputed in the process issued out against us: or by what name it must go, if it may be call'd a sentence which is publish'd by an *Incompetent Judge*. For although at the suggestion of our Catholick Faith, according to our duty, we do openly confess, that a full power in spirituals is given by God to the Bishop of the Roman See, how great a sinner soever (which God forbid) he be, so that what he bindes on Earth is bound in Heaven, and what he loosens is loosed; yet it is nowhere read, that it is granted to him by Divine or humane Law, that he may at his pleasure transfer Empires, or judge of temporally punishing the Kings and Princes of the Earth by deposing them from their Kingdoms.

Again, in his letter to the King the year before, *Quid enim vobis, &c.* For what is not every particular King of his particular Kingdom so fear from the face of such a Prince of the Priesthood? if we both by solemn Election of the Princes, and approbation of the whole Church, while it flourish with the Faith and Religion of the Clergy, honoured from Heaven with the Imperial crown, and magnificently governing other noble Kingdoms, be attempted to be deposed by him, whom it concerns not to exercise any severity upon us, as to damage in Temporals, although just causes were made out. But we are neither the first nor the last, whom the

abuse of sacerdotal power does thus molest, and endeavor to throw down from the top to the bottom.

Ap. Fo. Barcel. in. fac. Lib. In another letter to the French, he speaks thus: *Cum per aliquot, &c.* Because we do with good reason hold our selves, and other Kings, Princes of the world, and Noblemen having Kingdoms, Principalities, honours of whatever kinde, and Jurisdiction, griev'd by some preceding and the present Bishop of the Roman See, in this, That They, contrary to God and Justice usurp to themselves a power, Jurisdiction, and Authority to set up Emperors, Kings and Princes, or whatsoever Patentates, and pulling down, or removing them from their Empire, Kingdoms, Principalities, and Honours, exercising temporal Authority temporally over them, absolving also Vassals from the Oaths by which they are ty'd to their Lords, only by promulgating the sentence of Excommunication against those Lords, &c. I forbear to enquire how it hapned, that he could so much mistake in what he says of this Emperor. But I think that 'tis very plain he did mistake, and that this Emperor speaks too loudly and positively to pass for a tacit Consenter.

Henry the 4th. delivers his sentiments in the letter formerly cited by this Gentleman. *Sed Tu, &c.* But you took our humility for fear. And therefore have not fear'd to rise up against the very Regal power granted us by God, which you have dared to threaten to take away from us, as if we had receiv'd our Kingdom from you: as if Kingdoms and Empires were in your, and not in Gods hand, &c. Again, But what says the true Pope St. Peter? Fear God, Honour the King. But you, because you do not fear God, have dishonour'd me his substitute. Whence St. Paul where he spares not an Angel from Heaven if he preach otherwise, has not excepted you teaching otherwise on Earth. For he says: If any, whether I, or an Angel from Heaven Evangeliz'd to you otherwise then we have Evangeliz'd, let him be Anathema. You then condemn'd by this Anathema, and the judgment of all our Bishops, descend, &c. What think you Sir? does he tacitly consent to that Popes doctrine and proceedings, who tells him, that his attempt upon Regal power, incur'd the Anathema of the Apostle? It should seem too these were Bishops also, more then one, who concurr'd with him in these sentiments, and consented no more then He.

Suitably in his letter to *Anno* Arch Bishop of Colen, he speaks thus. *Ut enim.* For to mention a few things of many: He has usurpt to himself, without the privy of God, both Kingdom and Priesthood. In which he has condemn'd the pious ordination of God, who would have the two, that is the Kingdom and Priesthood, consist principally in two.

nos.

not in one, &c. He has study'd also to deprive me, whom God call'd to the Kingdom, not him to the Priesthood, of my Kingdom, because he saw I would hold it from God, not from him, because he made me not King, threatening to take from me both Kingdom and life, whereof he gave neither. This too in my opinion sounds nothing like consent. It is plain he dissented; and dissented on those grounds which move others to dissent now, viz. the disjunction and Independency of the two supreme powers, taught by the Farhers.

I will adde a passage out of the nameless Author, who writes, this Emperors life, a friend indeed to him, but no enemy to the Pope. Having said, the Pope, surreptitiously deluded, by the crimes saign'd against him, and the honour of creating a King deceitfully offer'd him, excommunicated the King, and absolv'd his subjects from the Oath which they had taken to him: He adds, which Fact displeased many (if it be lawful to be displeas'd at what the Pope does) and they affirmed that what was done, was done both ineffectually, and unlawfully. But I dare not set down their assertions, lest I seem with them to condemn the Popes doings. By this again it appears, that there were disapprovers, and many, in those days, as well as now. And it appears too why they make no more noise. People were shy to censure the actions of Popes. And so they are still. And I hope it will be no imputation upon Catholicks, that Inferiors are possess'd with respect for their Superiors.

In the latter contests betwixt the Emperor Lewis of Bavaria, and his contemporary Popes, the world was still the same. There is extant in Goldastus an Information, in behalf of the Emperor against the Pope, which alledges several reasons for the nullity of the Popes proceedings. The first is, *The Pope, however Catholick and lawful he be, has not power, nor authority, or jurisdiction in Temporals, and chiefly over the rights of the Empire, which is immediately from God.* Again, whence also appears, that these sentences were pronounced by a not-judge since the Pope is not judge of the Emperor in temporals, how much less in a cause of the Empire, of which Temporals depend, as appears, &c. I had not cited this passage for the Authors sake Ioannes de Landuno (for it bears his name) who I suspected might be Ioannes de Languno, one who passes for an Heretick, if the preface had not inform'd me the true Author was Henricus de Chalbem, a Fryer, and Chancellor of the Emperor, in whose defence he writes. Not but that he too is branded with suspicion, at least of Heresy, by the Pope. But neither did the Pope himself scape free. And should we

hearken.

hearken to none, who are aspersed with that reproach on the one side, or the other, perhaps there will remain no body to give us information what pass in those days.

This Emperor was contemporary with *Edward the 3d. of England*. What has hapned, of this nature, since that time, is pretty fresh in our memories, and needs not be lookt for in books. By what is said, I think we may safely conclude, the world was then, as now, divided into Approvers, and Disapprovers of Deposing doctrine: and that there was no time in which there were not Disapprovers, save when there were no Approvers. For I think it something a harder task to shew, that Deposing doctrine has always been in the world, then that it was not contested, when it did appear. And yet that is so hard, that this Gentleman, as confidently as he undertakes it, has not brought one single word to prove it: and we have seen plain enough why he could not.

There remains the Conclusion, in which assuming, in confidence of his proofs, that his doctrine has been, (for one Age at least) the Doctrine of the Church, he infers; If it be an Error the Church was at that time a wicked Church; if otherwise, those are wicked men who oppose it. I have given my reasons why I conceive his proofs will not bear him out, to fix his Doctrine on the Church. 'Tis the Readers right to judge between us: and to him I leave it.

But suppose I should say, that since the Church is a Congregation of Faithful, and Faithful are men, that word *Church* may signify either the Faithful, or the men. Suppose too that all the men of the Church, should at some time, have held his doctrine, which is a great deal more then can be prov'd, because indeed it is not true; but yet suppose it. If he will infer from this supposition, the Church held it, the word *Church*, to make his inference true, must be taken materially, in the latter sence. Otherwise, according to the Catholick method, the men of the Church bear not the denomination of a Church, but where they hold from Christ, un-interrupted Tradition. And till he make it appear they hold his doctrine in this manner, they may hold it as long as they will, and as many as they will, and not hold it as Faithful, but as Schollars, or how you will.

If he infer farther, the Church held it, therefore the Church was a wicked Church: because Church, unless the contrary be declared, is understood in the first sence, formally: The Argument is a plain Sophism, taking the word Church in a different signification, materially in the Antecedent, formally in the Conclusion.

But

But will it follow at least, that all the men of the Church were; in that supposition, wicked, and in damnable error? First, I should think this is no such ruinous inconvenience, though it were admitted. For since *All*, in this case, can signify no more then those *All*, who concern'd themselves in the question, which the far greatest part of Catholick mankind cannot rationally be thought to have done; though *All* these were damned, there would still remain enough, in whose salvation the perpetual goodness of God, and care of his creatures, would sufficiently appear.

Yet I cannot think that even so much would follow. They would indeed be in error; neither has God promis'd any security against it, but in his doctrine, & the voice of the Church to tell us which it is. If men will go otherways, it is at their own peril. But I see no necessity, that this Error should damn, or fix the name of wicked upon them. To be deceiv'd in speculation, & act upon a deceiv'd, so it be a sincere judgment, I have not heard has undergon these harsh censurs in other cases.

I, but 'tis a damnable sin to withstand the rights of Princes; to be the occasion of war, and Bloudshed, &c. To withstand indeed is damnable; but I do not understand it is so to mistake them. Likewise to make an unjust war is damnable, but if it be thought just, though falsely, yet uprightly, sure there is hope of mercy, or more Christians are in a damnable state upon this account, then for denying the deposing doctrine. Alas! The Rights, even of Princes are not things fixt by the eternal law of God, in an Indivisible point, beyond which if a man happen to tread, he stumbles irrecoverably into Hell. They depend on humane constitutions, and are greater here, less there, different every where. They may be, and every day are mistaken, and Princes prosecute these mistakes (for when they differ, they cannot both be in the right) by Arms. Yet if their own conscience condemn them not, no body else does that I know. Churchmen may mistake them as well as others. They having no privilege, that I know, to secure them from error, but by sticking to the *Semper & Oblique & ab omnibus*, Which rule whether it be applicable to this case, or at least to all circumstances of it, may possibly be a question: but I know no other they have. And when they do mistake, I see not why they are more wicked, or their errors more concern the Church then those of the Laity in the same case. But this I only think by the by, to shew there are more ways to the wood then one, if there were occasion, and that I took his, more by choice than necessity. I thought it needless to beat out a new path while there lay one plain and easy before me. For indeed

deed his opinion was never universal at any time. The quarrel, for the most part, was betwixt Pope and Emperor. Italians and Germans sided part with one, part with the other. Not Armys only, but Councils too, were on both sides. Who thinks in the choice of party, they were all guided purely by conscience, I doubt has little observed the Historys of those times : in which, besides other things, we finde they frequently chang'd sides, as their Interest led them. Other Nations lookt unconcernedly on, till it came to their own doors ; and then they did as much as they thought expedient, not always all they thought lawful. And so it remains at this day, when People act not, till occasion prompt them, and then are guided in their Actions by expedience. In the mean time, for reverence to the Pope, private men according to the example of their Ancestors, if they think contrary to what the Pope does, are willing to keep their thoughts to themselves. And that is the reason, as I conceive, of that silence, from whence he takes occasion to infer a *tacit consent*.

To take leave of this Gentleman and his Argument at last, and even accounts at parting : six of his ten proofs, that is more then half of the whole, belong to the Head of the Pope, which would have been granted without one, and when it is so, does not do the business, I think, even in his own Judgement. Three more, whereof one I thought needless to take notice of, belong to the Councils of *Lateran* and *Lyons*, which how he would apply, he leaves us to guess. The remaining one sends us to *Cardinal Perron*, where how we speed, you have heard. And for his 6th. Head, which sounds so big, there is no proof at all. And this is the sum total of his performance.

The Argument is borrow'd from *Cardinal Perron* where it shews a great deal better, dress'd up in the ornaments of Rhetorick, then stript and expos'd naked, as his Logick presents it. It is in short ; *All Catholics at one time held so and so, therefore the Church did*. Whereof the Antecedent is manifestly false: and if it were true, the Conclusion would not follow. He ends with a touch upon the *Sorbonists*, *Fryers*, and *Blackists*, to whom if he have a pique, methinks some other pretence of quarrel might have been thought of, besides their Fidelity to their Prince and Country. For sure that is not a crime which can justly deserve his displeasure, and couple them with *Liberines*, and *Politicians* and *Atheists*. And yet, to see how the world goes, quipping language is not the worst, which some of them have suffered, upon that account. But they are men who can speak for themselves, if they please, and I love not to thrust my sickle into other folks harvest.

A N
ANSWER
TO THE
Second Treatise.

CHAP. I. II.



E are now come to another Author, and indeed another Question. Whether *Deposing* be *Catholick Doctrine*, being very different from, *Whether the Oath of Allegiance may be taken*. This Gentleman declines the first, saying it is *as far from his thoughts, as forreign to his purpose*. In which I must at the very first dissent from him. For I conceive that all else is forreign to this purpose. But it being certainly forreign to both our Purposes, the satisfaction of the Reader, to detain him long with useles Preambles, I think it best, without more ado, to fall to the business.

The first Chapter is spent in stating the Question, which he solicitously puts us in mind is not, *Whether a Catholick may deny, &c. the Popes Power to depose Princes*, but *Whether he may deny, &c. by Oath, and universally abjure it?* To deny, and to deny by Oath, are indeed different things: but yet in this case, *not to deny by Oath*, I suspect will be thought to amount to, *not to deny*. It is true, in ordinary

nary conversation, we often say what we would be loath to swear. We speak unadvertingly, on slight surmises, or idle hear-says, and are so understood. If we say what proves false, none lays more than lightness to our charge. For indeed Man would be a very unfociable Animal, if in Company nothing could be utter'd but Demonstration. But if we be urged to *swear* what we say, and refuse it, that refusal is a plain unsaying it; nor will any man believe what we say, or think we expect to be believ'd. Except *Quakers*, no honest man ever refus'd to swear what he seriously and steadily persists to say, in a matter of importance, and where his Oath is duly requir'd. I mean according as he deliberately says; that is, if he say he knows, or thinks, or has heard, &c. He will swear he knows it, that is positively, or thinks, or has heard it. For since an Oath is the assurance we give, that we speak according to our conscience, who will not give that assurance, had as good say, he speaks against his conscience. At least People will be apt to suspect so: and not altogether without ground, if they cannot be assur'd of the contrary.

Now when he makes the state of the Question consist, in *denying by Oath*, I suppose he means in that manner in which the Oath requires the denial should be made. That is, as the Oath explains it self, according to the plain and common sense of the words. Taking which consideration along with us, I think we shall not fall out about the state of the Question.

In the next Chapter he begins to argue, and from the authority of *Trisemius*, and Experience, assumes first, *that the point has been long, and still is under debate, and may be so, for ought we know, 500. years hence.* This is both undeniably true, and withal a full answer to the former Treatise. For if this Question has been disputed among *Catholicks*, these 500 years, and may be 500 more, I hope none will say it belongs to Faith, but he, who has a mind to give those who are of different Perswasions in Religion, the satisfaction of seeing it confest by our selves, that we have not of a long time been agreed about matters of Faith, and in all likelihood never shall.

He proceeds in this manner: *Since likewise, when a point is thus in dispute among Catholick Princes* (by the way, that Princes I take to be an error of the Press, because he began with *Scholars*, and if he do not continue on with them, the discourse is not constant to it self) *no one can determinately swear to either side of the point in dispute, as true,*

true, &c. I marry! this will do it, if it be true. If no point in dispute can be sworn, this of the Pope's Power undoubtedly cannot. I hope he will bring very good proof of this Universal, both because all the stress lyes upon it, and because indeed it sounds something like a Paradox. For few things at this rate will remain, which may be sworn in the World, where almost every thing is in dispute. Besides, 'tis a clear case, that one of the Contradictories is true, and I know not why some body may not see that truth. And 'twould be strange, if he who sees the truth, may not swear, because, who sees it not continues to dispute. As clear as it is, that the Question is disputed betwixt the disagreeing parties, it is no less clear, that it is not disputed among those who are agreed. Must their conduct depend on the good pleasure of the other? Must they ask those others leave to say, or swear, what they think themselves? and not take the liberty till all the World think as they do?

This seems very strange. But yet because strange things now and then come to pass, it is not reasonable his proof should fare e're the worse for being unexpected, provided it be good. This it is: For, says he, *this were to swear a thing as true, or to abjure it as false, which is confessedly in dispute whether it be so or no, which is never lawful.* How, Sir! never lawful? pray let us consider a little. The proposition to be prov'd was this: *No point in dispute can be sworn.* The proof is, *It is never lawful to swear a point in dispute.* Why this is saying the same thing in different words, For, *It is not lawful to swear, and we cannot swear,* signifie the same. This is not a reason, but a repetition. When I demanded proof of a proposition which seemed strange, I desir'd to know, why we could not swear a disputed point, that is, why it is not lawful so to do. The satisfaction he gives me is, that 'tis never lawful. Which is to say, It is not lawful, because it is not lawful. I suspect few will be satisfi'd with such a proof, and that whosoever thinks the first proposition false, will very hardly be brought to think it a jot the truer, for being otherwise worded; *Cannot, only chang'd into, 'Tis not lawful.*

Hence, he conceives, that for the deciding our Question, there needs no other than barely to suppose it is a Question. For if it be a Question whether the Pope hath such Power, no man can safely swear that without all question he has none. He says, *Without all question;* because what we swear as true, ought to be unquestionably such, otherwise we fall under the guilt and sacrilege of Perjury. The art of setting

ring off things to advantage, does well in all Trades. This chimes a little more pleasantly, but 'tis the same Tune still. Hence signifies, from having said twice over one of the premises, viz. that we cannot lawfully, or safely swear, he makes it follow, at last, that we cannot safely swear. The rest is the beauty of a Rhetorical Figure, to make it shew more handsomely.

We cannot swear, The Pope without all question has no Power, if it be a question, whether he have or no. True: but whoever went about, or was requir'd to swear, that there is no question made in the World of the Pope's Power? Does he in earnest think those he opposes, of such lost Consciences, that they would swear this? Or Protestants so unreasonable to exact it? They who know altogether as well as we, for they have the same Books to inform them, that there is a question, and who made the Oath of Allegiance for this very reason, because they knew there was one, and desir'd to know what we held concerning it.

But he says *without all question, because what we swear as true, ought to be unquestionably such.* I have already said that there is no question among those who are agreed of it. What they swear is to them unquestionable. Nor do I think any can swear, who questions or doubts the truth of what he swears. But if he think a man, who is satisfi'd himself cannot swear, because another man is not, he must prove it, if he will have it granted. This is the knot of the business; towards the loosing of which I do not find it contributes any thing, to say *It is a point in question*, more than, as he said before, that *'tis a point in dispute*. So that as far as I see, we are e'en just where we were.

For a more full evidence, He falls to discourse of the nature of Oaths, and concludes very truly, That to speak contrary to what a man thinks in his Conscience, is a *Lye*, and to swear so, *Perjury*. This contrariety, or contradiction, he says, may happen two ways. Either by *knowing, or being conscious, that what we swear is not true*: or by *not knowing, and therefore doubting, or having just cause to doubt whether it be true or no*. And this is also true. Only I take him to mean that this *not knowing, and doubting, and having just cause to doubt*, must be in the Conscience of him who can be perjur'd by them. And for *Doubting*, that indeed can hardly be out of it. For no man, I think, can doubt, and not know that he does so. But we see it often happen, that he who knows not, takes himself to know,

know, and that he who has cause enough to doubt, for all that, does not doubt. Let this man swear what he thinks he knows, but does not, and what he has just cause to doubt of, but is not aware of it: I gather from this Gentlemans Doctrine, that whether what he swears be true or false (which alters not the case) he is not perjurd, because he does not contradict his conscience, and has no secret checks, and inward protestations against his Action. Whether he sin or no, is another question, to enter into which, were to go out of our way at present: in likelihood we shall meet with it again: But according to this Gentleman, it is not the sin of Perjury. Otherwise his two ways of Perjury, or contradicting the conscience, would be, one by contradicting, and the other by not contradicting it. But, I suppose, we both mean the same. What use he will make of this full evidence, we must expect from what follows, this being all he says here.

CHAP. III.

THE next Chapter tells us, that swearing according to the best of the swearers knowledge, will not serve turn: and that *we must remember no less is requir'd, than to swear according to a true knowledge, &c.* And this is neatly set off with a wish, that *Knowledge* may signifie *Knowledge*, that the *best of his knowledge* may not prove the *best of his no-knowledge*, &c. As ignorant as I am my self, I yet think so well of Knowledge, that I am glad to see somebody stand up for her: and heartily wish as he does, that only Knowledge may pass for Knowledge, and her name and esteem not to be abus'd and usurp'd wrongfully.

But I desire to know who it is that is thus severe, and requires no less than true Knowledge in our case? Whether it be the nature of the thing, so that severely true Knowledge be a necessary and indispensable condition in all Oaths? or whether Protestants do particularly require it to the Oath of Allegiance?

If he say the first, I doubt he, who is so careful to bid us remember, has himself forgot what he said but just before. The formal notion and malice of Perjury, in the last Chapter, consisted in swearing contrary to the inward dictates of Conscience. And 'tis beyond dispute, that

that those inward dictates may be made up of something short of rigorous Knowledge. It may be he will not allow a man with such dictates to swear at all; but if he do, and swear according to them, I am sure this Gentlemans Doctrine will excuse him from Perjury.

Again, if no less than true Knowledge, or down-right demonstration, be necessary to every assertory Oath, there are very preposterous doings in the World. Magistrates do very ill to put poor people every day to their Oaths, who never heard of a demonstration, or if they did, know not what it means. And yet, I doubt, affairs of the World would go on but scurvily, if none but men of demonstration were capable to take Oaths. Mean time this custom for Magistrates to offer, and people to take Oaths, where there neither is, nor can be demonstration, has hitherto past for irreprehensible: and I believe the Maxims which would change it, will be confuted by the exigences of the World. It being most certain, that nothing can be true, which is contrary to what is requisite for the good of mankind.

He may possibly think the case of Tribunals different from ours; because the Oaths requir'd there, are generally of matters subject to Sense; whereas ours can only be known by Discourse. But this difference does not hinder, but that the knowledge by Sense (I speak only of the matter in hand, of the certainty afforded by Sense in the cases wherein Oaths are required of, and taken by particulars, not meddling with the question, Whether absolute certainty may not, in due circumstances, be had by Sense?) is subject to error, as well as the knowledge by Discourse: perhaps more, but 'tis undeniably not infallible. And then the case is the same. For it imports nothing whether the knowledge, according to which we swear, be deriv'd from Sense, or Discourse, when 'tis clear that both may fail, and he who thinks he has true knowledge either way, be deceiv'd. Wherefore evidently, either rigorously true knowledge, by which, I suppose, he means such as excludes all possibility of deceit, is not alwayes necessary, or no Oath can be taken, not so much as in matters subject to Sense.

If he think otherwise, I would ask his opinion in a case not feign'd at random, but which actually hapned. In a Robbery committed in some of the adjacent Countries, one of the Thieves Horses chanced to be taken. This Horse was rid up to London, and when he

he came into the Town, had his Bridle given him, his Rider thinking he might possibly find out his own Inn. He past by several, in several Streets, and at last went into one. The Ostler there being askt if he knew the Horse, reply'd, he did, that he usually stood there, and that he belong'd to such a Gentleman. This Gentleman was taken, and the Sessions then hapning to sit, arrain'd and condemn'd, the Ostler swearing there all he had said before. And yet after all, the Gentleman innocent. A Reprieve was got, by the benefit whereof he had time to send for his own Horse, which used to stand in that Inn, and which prov'd so like the other in shape, colour, size, and every way, that no eye could find any difference.

Now would I gladly know what this Author thinks of this Case? whether this Ostler were perjur'd, and ow'd a forfeiture to the Pillory? If he think he was, He is of a different judgment from those who understood the Law, and the World better than he. For no punishment was inflicted on the Ostler; nor was it thought he deserv'd any. If he concur in opinion with them, he must allow an Oath, without true knowledge, may be unblamably taken. For this Ostler swore, not only what he knew not, but what was absolutely false.

Because a little more reflexion on this may peradventure unravel all the difficulty, let us consider what 'twas excus'd the Ostler, and whether, if what excus'd him be found in other swearers, it will not also excuse them. He had reason to swear, urg'd by the love of Justice, and call'd by the Magistrate. He swore according to the Dictates of his Conscience, and had such motives for those Dictates, that although they deceiv'd him, yet no body judg'd *that* deceit, or him faulty. Let another man swear in due circumstances, according to his conscience, and with such reasons for that conscience, that if he fail, the unpassionate World shall lay the blame upon the weakness of deceivable Nature, not on him. This man, I think, is in the Ostler's case, unperjur'd, and irreprehensible, even though what he swears should happen to prove false.

I gather then, that by the Truth requisite in an Oath, and Knowledge requisite to come by that Truth, is not understood Truth in it self, or Knowledge in it self, but Truth to the Swearer, and Knowledge to the Swearer: That is, that what he swears be fixt in him as *True*, and *Known*, not as *doubted*, or *thought*, or *uncertain*. And, I conceive, he ought to be provided of such reasons for this fixure, that

that if they be suppos'd to fail him, no unbiast man shall think him therefore a less honest man, or give less credit to his Oath another time. If he doubt, or be conscious of any just cause of doubt, if he be aware that he does not know what he thinks he does, and yet venture to swear, I conceive the Pillory a punishment of the mildest for him, who makes so bold with the reverence due to God.

And the reason why I am thus perswaded is, because on the one side I see all the World agrees with his former Doctrine, that Perjury consists in the opposition, not to Truth precisely, but, to Conscience. For it is indeed nothing else but a Lye sworn; and every body knows I can Lye, and yet speak truth, as likewise say what is false, and not Lye. So that it cannot be Truth in it self, but Truth to the swearer, which is expected in Oaths. On the other side, I see, that unless this were so, there could not possibly be any swearing in any case. For it being impossible to divorce our selves from the infirmity of Nature; and Sense, and Discourse, the only wayes we have to get Truth into us (I bar Faith, as unconcerning at present, and with which I will not meddle, for fear of embroiling things unnecessary) being *born* subject to deceit, Truth cannot otherwise be drawn from us by Oath, but as it is in us, accompani'd with a possibility indeed of deceit, but against which we have us'd all cautions of which we are capable, and so that we remain fully satisfi'd, that actually we are not deceiv'd. And who will not take Truth in this manner, must require more than can be had, and absolutely take swearing out of the World.

But I stray, and forget that I am only to answer. To return to my task. I cannot imagin what this unbefriended Oath of Allegiance has don, to be treated with harder measure than other Oaths. I am sure he is not to learn, that his Knowledge which must signifie Knowledge, is not requir'd to swearing by every body, and that Probability will serve the turn of those who pass for knowing men. I think I need never quote for the matter, especially while the words of *Suarez* are to be read in the *Preface*. For he says, not only that Probability, with sufficient care, excuses from Perjury; but likewise that 'tis the common Doctrine. However, I will add a passage or two out of *Escobar*, because, I suppose, he is as good as a great many, since he pretends to write the sense of a great many.

Mor.
Iteo.

He tells us, *that he is perjurd, who swears what he takes to be false, though it be otherwise true. But not so, if he probably think it true, though*

though it be otherwise false. Again, that in Foro conscientie, a man Trac. 1. may swear what he has heard from a man of credit, though not in Exam. 3. external Courts, where he must give an account of what he says. C. 3. Farther, putting this Question, Whether I who know a thing to be true, may induce another to swear it, who knows it not? He answers, No, unless this other be first persuaded of the truth by some probable ground. For my own part, I must needs declare, I like not this Doctrine, and should not dare to swear what I thought only probable. But since (the worse luck for the World) it is, as Suarez says, common, I see not why this Gentleman needed to be more nicely scrupulous than others are, and must suspect that Kissing goes by favour in more places than one.

In Prax. C. 7.

In the mean time, That severe Truth in it self, and that known by severe knowledge, such as admitting no allay of human weakness is absolutely irreconcilable with all mistake, is not indispensably necessary to an Oath, I take to be both clear in it self, and clearly consistent. It remains to see, whether it be requir'd to this particular Oath of Allegiance, by those who fram'd, and offer it. And because when we know what 'tis they expect from this Oath, we may judge whether this severe knowledge be necessary to that or no, let us reflect what they do, or can aim at by it.

Is it perhaps to discover the Truth of the Question? Alas! our credit is not so great with them, that they should think any thing the more or less true for what we hold concerning it. They will not believe any point in difference betwixt us a jot the sooner, if we swear it five hundred and five hundred times over. They have ways of their own, on which they rely for the finding out of Truth, and care not a straw what we think of it. Again, Truth in matters of this nature, may be discover'd otherwise than by Oath. Nay, an Oath is no proper means to discover it. For unless it be suppos'd the swearer both knows what he swears, and swears according to what he knows, his Oath is no security. But there are other means which will bring those, who faithfully pursue them, with security to her. Wherefore I see not how it can be imagined they look for Truth it self by this Oath, while they may have that Truth without it; and if they could not, perhaps would be better content to remain ignorant, than be instructed by us.

Allow them but common sense, and it will move us to believe they expect from the Oath, something which they cannot have without it.

Of the Truth of this Question, Whether the Pope can depose? they may be, and are satisfi'd whether we swear or no; but what we hold concerning it, they cannot know but by our swearing. For this lies hid in our breasts till we declare it. And though we do declare what we hold, if we refuse to confirm our declaration by Oath, we free them not from the suspicion they may have that we deal not sincerely. An Oath is very proper to satisfie them in this point; and because it can satisfie them in nothing else, I think it cannot rationally be thought, they expect any thing else from it. Barely then to know what we hold, and what they cannot otherwise know but by our swearing, is all they can propose to themselves by this Oath. Whether what we hold be true or not, is no such secret, that they need Oaths, and least of all ours, to find it out.

Neither does it concern them what degree of certainty we have for what we hold. That belongs to our own consciences, of which we must take care, and be provided to give account to God. But for their parts, I am sure they cannot be imagined to require severe Demonstration in every one from whom they expect the Oath of Allegiance, when they offer it to those who, they know, do not understand so much as what the word means. The Law proposes it indifferently to All, to the Illiterate, Artificers, Plow-men, Women, if I mistake not, as well as others. To think those who fram'd this Law so extravagant as to require, or think there can be found Demonstration in these, is in my opinion a greater extravagance.

But they have taken so much care to explain themselves, in the words they have chosen for the Oath, that if they be mistaken, I know not how it can be otherwise than wilfully. The Wood was all in their own Power, and they might have made their Staff of what Tree they pleas'd. They might as easily have said, *I swear the Pope has no power to depose, and I demonstratively know he has not, as, I truly and sincerely acknowledge and declare in my conscience he has not.* If any words can be found which express more clearly, that what they require is, that we should acknowledge the truth of what we swear, only as it stands in our consciences, and without inquiring which way we came by it, or with what degree of certainty we hold it, I should be glad to learn what those words are.

For my part, as I love Justice even to Enemies, I cannot but think, it would a great deal more become us to acknowledge, and thank their moderation and tenderness in this point, than to perplex our selves
and.

and others with captious Cavils, which they seem even to have taken care to prevent. In the mean time I conceive that this severe knowledge, which he requires, is not requir'd by any body but himself: and that enough has been said to shew it, and indeed more than enough. For since he barely says so, I might have spared all this pains, and barely deni'd it without more ado. For, I hope, he will not pretend he has brought any proof.

Besides the neat amplification by variety of phrase, there are but two things that look like proof. The first is, when he says, *that this want of knowledge will condemn him* who swears, *at the bar of his own heart.* And this is plainly to say, there must be something in his heart to condemn him: some conscioufness that the best of his knowledge is indeed no-knowledge. Otherwise, if that *best* appear good and true knowledge to his heart, there is nothing there which can condemn him. The next is the Case of a Witness who should offer to swear what, being askt, he should confess he knew not; and he too is evidently conscious that he does not know. So that this being all he says, I cannot think himself will say, here is any proof, or any reason why he may not swear, whose heart is not conscious of want of knowledge.

But though I conceive, the best of a mans knowledge is all that Protestants require in this Oath, and all that is necessary to any Oath, (I mean *suppositis supponendis*, that the swearer have faithfully, and to the utmost of his power laboured to satisfy himself of the truth, and satisfy'd himself at least by such motives as will excuse him from blame before God and man, and that there be no passion, no rashness, no want of sincerity, &c.) yet I do not think this is all the matter will bear. Knowledge may signifie Knowledge, provided it do not signifie Artificial Knowledge, and be had in this case, if it be necessary, even by the unlearned. For they can tell, as well as the best Mathematician in the World, that the nearest way from *Russel-street* to *Covent-garden Church*, is to go by the Dyal, not through the Arches; that more Corn will go into a round Bag, than a three corner'd one of the same cloath, &c. though they never heard of Circles, and Angles, Sides, and Diagonals, nor know what they mean. If such kind of knowledge as this, no less certain nor less strong than the Artificial, will serve turn, I do not see why the Oath of Allegiance should be rejected for want of knowledge.

Whoever has knowledge enough to take a Lease, and manage a

Farm, can tell there is a difference betwixt him who holds by Lease, and him from whom he holds it : That the Sovereign Lord holds of no body : That if the King may forfeit to the Pope, and be ejected by him, He is not Sovereign, whom yet he has alwayes call'd, and believ'd his Sovereign : That the obligation to obey our Sovereign, according to the Laws of the Land, is commanded by the Law of God : That when People fight against them, they do not obey them : That such disobedience is contrary to what he has been taught is the Law of God ; and a hundred such things, which those who have the Art, may weave into absolute Demonstrations, and which afford a very absolute certainty to the rest who were never Prentice to that Trade. Nor can all the scholastical subtilties in the World, how much soever they may blunder them in the mean time, when they see men up in Arms against the King, perswade them, that fighting against him is not fighting against him ; or that they treat him as their Sovereign, whom they do fight against ; or that the Doctrine which says this may be don, is not contrary to that which says, It may not be done ; which they can as well know to be the Doctrine of God, as any other which they believe and hope to be fav'd by.

But *this*, as he calls it, *qualifying gloss, and milder exposition, cannot be transferr'd to the Oath of Allegiance.* Why so ? *Because this is only an exchange of one Perjury for another ; striving to weather one Rock, and splitting on another.* Which be these two inevitable Rocks, I beseech you ? Why, *if you pretend not to abjure, this is contrary to the express words, according to which you profess to swear, and by which you do expressly swear, that the Pope hath not any Deposing Power.* Very good ! Express words are things, as luck is, subject to Eyesight. *Tom Tinker*, if he be not blind, can judge this matter, as well as *Aristotle*. Let us take then *Sir Thomas More's* pair of witnesses, our two Eyes, and make them Judges of this difference.

In the beginning of the Oath, the Swearer, says he, solemnly calls God and the World to witness the truth of what he is about to acknowledge, &c. What are the words in which he does this ? my Eyes tell me they are these : *I do truly and sincerely acknowledge, profess, testify, and declare in my conscience, That the Pope hath not any Power to depose the King, &c.* By your favor, Sir, this is not to call God and the World to witness the truth of what I acknowledge, but the truth of my acknowledgment, or that I am sincerely perswaded, that what I acknowledge is true. I beseech you let us have fair play, and a wrong

wrong Card not shuffled into our hands The words expressly deny the deposing Power to be true in or to the Swearers Conscience ; of the Truth in it self, my eyes discern none which speak.

Then he glances at one of the middle Clauses, in which he says, *The Deposing Power is not only abjured, but abjur'd as Heretical.* The Clause is this : *And I do further swear, That I from my heart abhor, detest and abjure as impious and heretical this damnable Doctrine and Position, That Princes which be excommunicated or depriv'd by the Pope, may be depos'd or murder'd by their Subjects, or any other whatsoever.* The word *Abjure* in this place, I take to signifie, *solemnly renounce* ; or else for a word of supererogation, added according to the usual redundancy of the Law stile, and signifying but the same with the former in a synonymous expression, as *Detest* super-adds nothing to *Abhor*, nor *Position* to *Doctrine*. Unless perhaps it be taken in the same sense, as when People *abjure* the Kingdom, or any thing else, when they are requir'd by Law ; that is, swear never to come into it more. And then it signifies, I will never hold this Doctrine. Otherwise the words would import, I swear that I swear, or that I forswear, which seems no very good sense, and I think it is not allowable to interpret a Law into nonsense. If this be so, the words express detesting, and abhorring, (and, if you will, never holding the position mentioned) as heretical, but there are none which say expressly, that 'tis heretical, or so much as false.

The last, and only Clause he cites, says we swear *according to the express words*, and those express words our eye-sight tells us, are not of Truth precisely in it self, but of Truth with relation to our Conscience. And so instead of splitting on his Rock of Perjury, we have got a Lanthorn to avoid it. Thanks to their care who hung it there, and who for their pains deserve a better return than scrupulous Exceptions, confutable even by eye-sight.

The other Rock, and which he conceives inevitable, *Is the charge of Perjury now under his Pen. Viz. Abjuring without necessary knowledge, &c. which, while the dispute remains undetermined by publick, and undeterminable by private Authority*, he says, *is not to be had, nor expected.* I have already said, there is no necessity of running upon this Rock at all. Who does, will find it but Sand, and never endanger splitting. For, as is formerly discours'd, rigorous knowledge is not necessary, and though it were, is very possible to be had. Then as sure as he thinks himself, that the point is undeterminable by private

ivate authority, I must beg his permission to believe it may be, and is determined even by private men, not authoritatively indeed with respect to others, but effectually as to themselves: or rather, that private men may be and are determined concerning it, and that with sufficient and possibly absolute certainty. For sure Privacy is no hindrance to the discovery of Truth, unless private men be all supposed blind: and I am sure Disputing is much less. For it is the nature of Disputes to bring Truth to light, and make us see what otherwise perhaps we should not. Wherefore that Knowledge cannot be had while the point remains in dispute, and that because it is not effectually determined by publick Authority, it is therefore undeterminable, seem to me, not Rocks, but Paradoxes.

And truly, now this Gentleman, with his Rocks and his Perjuries, has given me occasion to reflect on the Oath of Allegiance, more than ever I did before, I must needs profess I find it no such hideous matter; and the more I reflect the less hideous I find it, and begin to suspect it was want of reflexion that makes the Idea so terrible. Who will not trust his own eyes, may possibly meet with a glass which may represent the object otherwise than it is. Let us take it in pieces, and consider it a little.

The first part acknowledges, *The King is rightful King of all his Dominions, and that the Pope has no authority to depose him, discharge his Subjects from their Allegiance, licence them to bear Arms against him, and the rest.* He who does not acknowledge the King to be rightful King, or does acknowledge the Pope has such Power, has indeed reason to forbear swearing. And this latter is the reason alledged by those who have written against the Oath of Allegiance. But I see not what other good reason there can be. At least this, of want of knowledge, alledged by this Gentleman, seems not well to bear the name. For the words are not, *I know*, but *I acknowledge*; and besides, has he not knowledge enough to swear the first branch, That the King is rightful King? I suppose he will not stick at that; but is his Knowledge of that, true Knowledge? If it be not, I think he can content himself sometimes with Knowledge which does not signifie Knowledge; If it be, he may allow others to hope for Knowledge in things not altogether so hidden and imperious, as those, which he says he knows.

There follows the promissory part, in which, who takes the Oath, swears, *that notwithstanding any Declaration, &c. of the Pope, he will bear*

dear Faith and true Allegiance to his Majesty. And this is the very thing he would be at, and which P. 8. he offers, as the proper matter of an Oath of Allegiance; And which I therefore conceive neither he, nor any body else will except against.

Then comes the Clause formerly glanc'd at by him, and fully set down by me, which who refuses, does by that refusal profess, he does not abhor, &c. the Position mention'd as Heretical, &c. For you do not directly swear any thing is heretical. The swearing falls upon the *Abhor*, and the Abhor upon the *Heretical*. However, I perceive by him the word *Heretical* sticks, but I cannot tell where. And 'tis one of the most uncomfortable things in the World, to be still vext with scruples, and not know what they are. There has been said of this word by diverse, what might seem to purpose, unless some body would tells us why it is not. Methinks it is but reasonable, if we must remain unsatisfi'd at that word, we should be told, wherefore that which has been said to satisfie us, will not do. To take no notice of any thing to the contrary, and still go on in doubts and dissatisfaction, is, I think, the very thing we call Scruple. However, it is not possible for me to judge whether the Exceptions which I find this Gentleman has to that word, be rational, or no, unless I knew what they were. All I can do, is ingenuously to declare what I think of the matter, and leave him and every body to judge whether my thoughts be rational, or no.

I know it is an usual exception, that the Pope's deposing Power cannot be abjur'd as Heretical, because the direct contrary Proposition, being neither expressly found in Scripture, nor Councils, nor unanimously believ'd by Catholicks, among whom it is contested, is conceiv'd therefore not to belong precisely to Faith: And Heresie is opposite to Faith, *False* being different from, and not enough to make *Heretical*. I know also that diverse things have been alledged to shew there is more of scruple than substance in this exception, and that there is no reason to understand the word Heretical in that rigor, when 'tis plain the Protestants do not understand it so, and we commonly enough understand it otherwise.

For is it not undeniable, that Protestants know every jot as well as our selves, that this Proposition, *The Pope has not power to depose*, is not expressly, *totidem verbis*, to be found in Scripture, or Councils, nor believ'd by all Catholicks? Is it not utmost extravagance to think, that when they swear themselves they mean to say by the word *Heretical*,

tical, that the Proposition above-mention'd is found there, or oblige us to think so, when they require the Oath of us? Wherefore if Oaths be to be taken in the sence of the Givers, as I conceive they ought; They seem to have reason enough, who deny this sence of the word *Heretical* can be the sence of Protestants, and the meaning of the word in that place.

Again, Among our selves, is it not as plain, that this word is commonly taken in another sence? Have we not seen the *Jansenists* and *Jesuits* object Heresie to one another? Do we not see a hundred like Instances almost every day, where every body knows (the hot men themselves and all) that what they call Heresie, is not in Scriptures, or Counsels, nor usually believ'd? Now, because we are oblig'd to swear according to the plain and common sence of the words, and there is a plain and common sence of this word, different from that to which these severe men would restrain it, I see not why the exception, which some make to this severity, is not, to say the least, as rational, as the severity with which others except against the Oath.

But all this, in my Opinion, is wide of the mark. I conceive this Gentleman is mistaken, when he thinks the Pope's deposing Power is in this clause abjur'd as Heretical. That Power was renounc'd before. To make it renounc't again here, is, with an idle Tautology, to make the dead man be kill'd over again. As for that Point, The Oath contented it self with a bare acknowledgment, only providing it should be true and sincere. Here it requires detestation, as of an impious and heretical Doctrine, without all doubt; what is now treated with more rigor, cannot be altogether the same, with what was treated more mildly before.

And this, I think, is plain by the words of the Oath, which are to be our Guides in this matter. The words (for the Reader, I hope, will pardon a second repetition) are these: *And I do further swear, That I from my heart abhor, detest, and abjure, as impious and heretical, this damnable Doctrine and Position, That Princes which be excommunicated or deprived by the Pope, may be deposed or murdered by their Subjects, or any other whatsoever.* All Speech denying or affirming something of something, the way to understand it, is to mind what it is which is deni'd or affirmed, which the School Language calls the *Pradicate*, and that of which this *Pradicate* is affirm'd or deni'd, which they term the *Subject*. Of the Proposition now, which I here swear that I abhor, what is the *Subject*? Is it not manifestly, *Princes*

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excommunicated or depriv'd by the Pope? And the Prædicate, is it not plainly this? Depos'd or murdered by their Subjects or others, if you stick to the precise words; though if you take the sence, the Prædicate is, deposible, or murderable, &c. For what the phrase of our Language expresses by may be depos'd, Logical exactness would word by, are deposible, &c.

That Princes then can be excommunicated or depriv'd, is not here deny'd or affirm'd; for they are already so of whom the Proposition speaks, excommunication and deprivation making up a part of the Subject, of which something else is prædicated. But what is abhorred, is, That such Princes can be depos'd or murdered by their Subjects or others; this being the thing which is affirmed of those excommunicated and deprived Princes. The Pope is suppos'd to have done his part, and to have already depriv'd, or depos'd. There follows the Subjects share, the supplying what the Pope falls short of, and actually pulling out of his Throne him who will not voluntarily quit it. For if he do, the case cannot happen. Subjects cannot depose him who has depos'd himself. The Oath speaks of a Prince already depos'd by the Pope, but yet still to be depos'd by some body else. We have nothing to do with any case in which both these are not found.

Plainly therefore it is not, as this Gentleman supposes, the deposing Power, as it is lodged in the Pope, which is here deny'd, but the execution of that Power by Subjects or others. It is not Pope-deposing, but Subject-deposing Power which is now in question, or if you will, not the Power, but the Practice. And the Question is, Whether this Subject-deposing Power may be abhorred as impious and heretical? Now I, for my part, conceive it may and ought, and think this so manifest, that I would take *Bellarmin* himself, or this Gentleman for Judge, who yet say the direct contrary, if the case were not too cleer to need one.

For does not *Bellarmin* say, and whether he do or no, do we not all know, That *we are oblig'd by the Law of God to obey our King*, and that *to deny obedience to our Prince is against the Law of God*? He adds indeed, *while he is King, and while he is Prince*. But I desire no more. It is evident by so much, that unless a King depriv'd by the Pope, cease to be a King, he is to be obey'd, and that 'tis contrary to the Law of God, or flat Heresie, to say the contrary, even in the judgment of *Bellarmin*.



Now I intreat this Gentleman to reflect, that whoever comes to this Branch of the Oath, has already sworn another, in which he has declared before God and the World, that he acknowledges there is no unkinging Power in the Pope, and therefore that notwithstanding the Pope's deprivation, the King remains still truly King. Wherefore if he offer to disobey, or which is worse, depose such a King, he disobeys the King while he is King. Which if he hold to be lawful, he falls into what is by *Bellarmin*, and of all hands, confest to be Heresie. Indeed if his Conscience will not allow him to swear the former Clause, and tell him the Pope has Power to depose, neither will it suffer him to take this. But then let him say so, and stand to it, that the Pope indeed has such Power, and not scruple at this Clause, which of it self is liable to no exception, but what is drawn from the other. For Subject-deposing is manifest Heresie, unless Pope-deposing be true.

Neither can it be shifted off by saying, that since Pope-deposing is not Heresie, Subject-deposing (by warrant from him, for I speak of none else) cannot be Heresie. I admit the Antecedent, because the Oath not meddling with that Point, obliges us not to enquire after it; but there is no appearance of the Consequent. If it be not Heresie to make Disobedience lawful after deprivation, because that deprivation is not known to be invalid by Faith; neither is Disobedience heretical, before deprivation, because, even before, he is not known to be King by Faith. 'Tis by the Laws of the Land, and Eye-sight, not by Faith, we know such a man to be our King, and we know by Faith we are not to resist him, whom we do not know by Faith to be our King. And so it is in all things commanded by the Divine Law. I do not know by Faith that this Woman is married, or the Money in that mans hands is not mine, or that Creature is a man. But yet 'tis undeniable Heresie to say, I may lawfully lye with that Wife, or take that mans Money from him, or kill that man. However, I know the King to be King, resistance is heretical, if he be King. And that I am fully perswaded, and resolv'd in Conscience, that he is King, after deprivation as much as before, I have already sworn, and therefore can no more refuse to abhor resistance to him as Heretical, than to abhor Adultery, or Theft, or Murther as Heretical.

I must confess I wonder how this word Heretical comes to be such a Bugbear, unless by mistaking, through inadvertence, one thing to be sworn instead of another. I see people fancy, and this Gentleman is in

in for company, the Popes deposing Power is there abjur'd as heretical, and I suppose they think it hard to censure for Heresie, what too many Catholicks, too much unrepov'd, Alas! hold for true. And yet all this while there is no such matter. That Power is neither affirmed, nor deni'd here; another thing is deni'd of it, *viz.* A lawfulness in Subjects, or others to proceed upon it. This indeed is abhor'd as heretical, the other Point is not toucht.

Yet though it be not, in truth all depends upon it. For who believes *Pope-deposing* true, has reason to check at acknowledging *Subject-deposing* Heretical. He who holds the former false, must think the latter Heresie, or renounce his Faith, which evidently teaches Kings are to be obey'd. So that (to say what is) this exception against the bare word *Heretical*, is in reality an invention to maintain the Popes Power with less envy. Bluntly to say, that the Pope can turn any King out of his Kingdom, sounds scurvily. Few mens Consciences are so deprav'd, that they can hear it without check. But if people can be frighted into an acknowledgment of such a Power in the Pope, and the Port reach'd by a side wind, the business is done every jot as efficaciously, and a great deal more speciously. Now as Heresie is on the one side an excellent tool to work upon a timorous Conscience, and brings the commendation of Zeal to those who appear wary of it, so on the other, it does the work excellently in this case. To say *Subjects can depose is not heretical*, declines the offensive harshness of saying *the Pope can depose*; But yet it says it. For there is no reason assign'd by any, nor assignable, but a Power in the Pope, to exempt it from Heresie, or hinder it from being acknowledged so by all the World. Manifestly then this seeming exception against the word *Heretical*, is in truth an assertion of the Popes deposing Power. I think it would not be so common, if every body were aware what they did, and minded, that while they only think to avoid Heresie, they do in reality bring the King into subjection to the Pope, and establish a Power in him, which is neither consistent with civil Government, nor with their own thoughts. For there are not many, even of those who refuse the Oath, who do in earnest believe that the Pope can depose the King.

But I must desire not to be mistaken, as if I thought, because the Doctrine is heretical, all those who have held, or practis'd according to it, excluded from the hopes of salvation. I believe it is not difficult to find more than one Heresie in more than one man: and should

every one who is caught tripping that way, be hopelessly damn'd without more ado, the way to Heav'n would be a great deal more narrow than it is. I, for my part, think well-meaning goes far in all cases: and that (till the contrary appear) the failings of men are rather to be imputed to ignorance, and weakness of nature, than malice of their minds, which I take to be the great obstacle in the way to Heav'n. However, I declare, I think this consequence, *all who do ill things, are therefore ill men*, very false, and should think my self wrong'd, if any should go about to pin it upon me.

The next Clause denies Absolution from this Oath whether by the Pope, or any other. And here again the words relate, as expressly as may be, to the belief and conscience of the swearer, nor does he swear more. So that who is perswaded accordingly, has nothing, that I see, which can rationally check him from swearing.

The next renounces Dispensations to the contrary. And this, I suppose, is free from exception. For it is the very thing he offers afterwards in his promissory form, where he says, he will bear true Allegiance, notwithstanding any Dispensation to the contrary. Which I take to be renouncing these Dispensations, and conceive this Gentleman does so too.

He cites the following Clause at length, which only confines our meaning to the common sense of the express words. Now I should never have thought it possible, that this rush should afford a knot. For methinks 'tis all the reason in the World, that people when they swear, should mean what they say, and I am sure they say what the words, which they use, plainly signify. But, to see how mens judgments differ, he has found here what, he would have us believe, makes much to his purpose. This, he says, *ratifies and binds afresh all that went before, by a repeated and reflex Oath looking universally back upon the premises*. And because among those *All*, the Pope's Power is one, and the chiefest, that Power is here forsworn again. True; but according to the express words in which it was forsworn before. And these express words are not, *he has none*, but *I acknowledge he has none*. I, but this is a mental reservation excluded by this Clause. Just the contrary. To mean I acknowledge, when I swear I acknowledge, is no reservation, but the direct sense of what I swear. But if you, by Acknowledge, will make me mean more than Acknowledge, you make me mean more than the words say, and drive me into a guilt, if it be one, from which the words take care to preserve me.

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What we acknowledge, and what we swear, that is, what we swear absolutely, and what with reference to our Conscience, is contained in the branches foregoing. This Clause meddles no farther with it, than to require what we have sworn, be sworn as it ought, with sincerity, and without hidden meanings of our own, different from the plain sense of the words. And because this Gentleman seems an Enemy to secret reservations, I believe on second thoughts, he will allow, that to give security we have none, is not a thing at which our Conscience ought to check. At least, could we agree on the rest, I am confident we should not break off the Treaty on this point.

The last Clause speaks of the willingness and heartiness with which we swear. Of this every man may have true, or at least sufficient knowledge, from the familiar converse with his own thoughts, as he a little before instructs us. Wherefore, I suppose, he who is conscious of willingness, and heartiness, may without scruple venture on this branch. And this being all, I must needs declare upon the whole, I cannot perceive the Devil altogether so ugly as he is painted, and that the representations made of this Oath, seem a great deal more hideous than the Oath it self.

CHAP. IV. V.

I Have been larger in the last Chapter than I designed, or expected; but hope to make the Reader amends, and be less tedious in the rest.

After the main shower is over, the after-drops use not to last long, and a slighter covering will serve to keep us dry. The Title of his next Chapter promises to shew the manifest unlawfulness both of swearing, and forswearing the deposing Power. When he comes to performance, he handsomely dilates on the competition, betwixt the two supream Powers, in the Question of our Duty to God and *Cæsar*, and then inquires, what a Private Christian, and Loyal Subject shall do, to comply with both? And all I can understand by his answer, is, That he must sit still and do nothing. For he will not allow him to judge, at least so far as to swear, and if he do not judge for one side, he can act for neither, or if he do, must act without judgment. But if he may judge, 'tis plain he may swear his judgement. Now doing nothing seems to me a very surprizing, and no very commendable way of

of performing Christian Duties, and absolutely impossible besides. For a man must, in these cases, act one way or another in spite of his teeth. Nay, not-acting may happen to be equivalent to the highest acting.

But to do otherwise, says he, *is to assume the right of Judicature*, and as bad as *to swear odd, or even, upon the sight of a handful of Guineys*. Judging is plainly an equivocal word, being sometimes meant of *Authoritative* Judgment, such as is a Rule for the Actions of others; sometimes for *Not-authoritative*, and which only serves to guide the actions of him who judges. In the first sense methinks he should not take it, because it seems excluded by the very Question, which is only of private men, and they judge only for themselves. But if he do, as the word *Judicature* which he uses is but seldom taken otherwise, I can only say, I know of no private man who pretends to that right of Judicature, and by his judging to oblige others to judge as he does. If any do, let him bear his own sin, and the innocent not be involv'd in the guilt of his presumption.

But if he take it the second way, I cannot understand why it should appear so strange a thing, if men make use of the gifts which God has given them. He never made man a rational and judging creature, with design that he should not use his judgment when he had it. On the contrary, I conceive he expects we should judge of what we are to do, or leave undone, and act according to our judgment, and from him who does not, I believe, will require a severe account. Nor do I understand what Principle, besides Judgment, there is of Action, but Passion. I cannot think he would commend us to that for a guide, but if he do, I must entreat him to leave me to that which God has given me.

Besides, if we must not judge of this Question, why does he write of this Question? The Arguments he alledges, what are they for, but to make us judge, as he does. But nature is a little resty, and will have it's flings. Twenty to one but some will judge quite contrary. If he will not allow these to be as free from blame as the other, he had e'en as good say, You may exercise your Judgments as much as you will, so it be on my side; but you must not judge against me.

He cannot pretend for a difference, that he only judges of the Oath of Allegiance, but not of the Question betwixt the two Powers. For he judges of that Question too, and by judging first of that, comes to judge
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judge himself, and perswade us to judge of the Oath. He judges that Question to be undeterminable, and this as a private man, and by his private judgment; which hinders not another private man from making a private judgment that 'tis determinable. And if this man pursue that judgment, and determine himself, and take the Oath, I see not, as to the right of Judicature, what greater liberty he takes than this Gentleman allows himself. Both judge, both act according to their judgement, (for refusal is as much an act of the soul, as embracing) plainly either both, or neither usurp on the right of Judicature. As for his *odd or even*, if he make the case equal, that as one swears only on the sight of Guineys, the other swears only upon hearing the Question, I think as he does, there is no ground for an Oath. But I conceive, as the Guineys may be told, the Question may be examined, and peradventure True or False as certainly be found there, as odd or even among the Guineys. What he has said to the contrary, we have heard before, and if he will allow him the right of Judicature, the Reader will judge of it. For my part, I shall not easily be perswaded, that God has left us no means to know how we should perform those duties which himself requires and commands.

The Fifth Chapter undertakes to confirm the Premises from this Topick, *That the Point in Question is confessedly a meer opinion, and therefore cannot be abjur'd, because opinion does in its notion imply suspense, and indetermination.* He has indeed so far reason on his side, that this word Opinion, as it is oppos'd to Science, does signifie as he says. And I, for my part, agree with him, that it is not allowable to swear upon such an Opinion. Yet I believe he knows there are who think otherwise, and who infer the direct contrary to what he does. For while he says 'tis an Opinion, therefore you may not swear, others in other cases say, 'Tis an Opinion, therefore you may swear. If I should turn him over to them, and make them his Pay-masters, or desire to remain in quiet, and not be prest with his Argument, till they were agreed about it, I know not how he could refuse me.

But I will not take all advantages. The word *Opinion* every body knows is as ordinarily taken for *Sentiment*, or *Judgment*, in contradiction, not to *Science*, but *Faith*. In which sense many are usually called Opinions, of which men may, and diverse have, absolute certainty. As I doubt not but *St. Thomas*, for example, was very certain of divers matters, which yet in the Schools pass to this day but
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for Opinions. In this sence of the word, Opinion and Certainty may stand very well together, nor can I believe the *Sorbon*, or the Author, or Publisher of the Questions understood it in any other. I see not what reason there is to suspect there was never more than suspence and indetermination, even in the dullest of them. Nor can I imagin, that when the *Sorbon* declares the deposing Doctrine false, erroneous, contrary to the word of God, &c. she can be fanci'd to say at the same time, she was in suspence and undetermin'd, whether it were so or no.

As for what he obtrudes upon her, that her Declarations in 1663. were to regulate (not the Faith, but) Opinions of those under their charge: if it were so, it is plain enough that Opinion in that place is oppos'd only to Faith, and so admits of certainty. But I cannot find that even so much is true. I have met with the Articles themselves in more places than one, but not with any Decree of *Sorborn* concerning them, wherein those express words should be. In the King's Declaration concerning them, the word *Sentiment* is us'd, not *Opinion*, for that wherein he desires an Uniformity among his Subjects. The same word is us'd by the University of *Paris*, in their Decree of the Year 1626, upon occasion of the Book of *Santarellus*. So that I see no great reason he had to beat the *Sorbon* for game, which, though he should put up, I think would make no very good sport. For I cannot tell what all this signifies, more than dearth of good Arguments.

CHAP. VI.

THE following Chapter would not concern me, but for the odd use he makes of it. The business is to confute *Witbrington*, and I should think it matters not much what becomes of Objections against *Witbrington*, while we have only to do with Objections against the Oath of Allegiance. *Witbrington* was a man who, when he was alive, could speak for himself; and now he is dead, might have rested quiet in his grave, if this Gentleman had pleas'd. For I think it no great wonder, if from one who has writ so much as he, there scapt sometimes what will not endure a severe Test. Whether he have been guilty of a weakness, from which I believe few in his case exempt,

I think no such important inquiry, that any man should busie himself about it, unless he be one of much leisure, and much curiosity, and much concern for *Wisbrington*.

But from the defeat of *Wisbrington* he draws an Argument against the Oath, as if it were unintelligible, since *Wisbrington* understood it not, and no man, he truly says, can swear what he understands not. To me now this seems a very odd consequence, nor can I understand why the fate of the Oath of Allegiance should depend on *Wisbrington*. Suppose he did mistake in something concerning this Oath, as I think this Gentleman has more than once; is the Oath therefore unintelligible? The truth is, *Wisbrington* makes diverse discourses, and deductions, with which those who see not so far as he did, neither do, nor need trouble themselves. Among those, in a Book not written precisely of the Oath, he has found what he accepts against. Now I do not see but the Oath may be plain enough, whether his exception be rational or no; but yet because he would have us believe it is of consequence, and frights us with *woful snares*, and *apparent dangers*, we will see what it is, and do our best to avoid those snares and dangers.

He tells us then, that *Wisbrington*, and his Friend C. I. say, That by one Clause of the Oath is deni'd indeed the Popes Power to *authorize*, but not to *declare*, or *command*. And pray why may they not say so, if it be so? For the Clause does speak of authorizing, and it does not speak of declaring and commanding. I see no such *subtile obscurity*, and *learned intricacy* in speaking plain Truth. It seems they say too, That *this Authority to declare and command, doth not exceed the limits of a Spiritual Power*. Whether it do or no, is a Question with which the Oath meddles not; and whether *Wisbrington* and his Friend be mistaken in it or no, imports not the Oath. Neither are they mistaken in that, however they fare in this matter; for what they say of the Oath, is manifestly true. Truly methinks this Quarrel might be compounded. This Gentleman may take his choice, and say *declaring and commanding* does, or does not exceed the limits of a Spiritual Power, as he pleases, and no harm done that I see. All the mischief, if he choose the contrary to *Wisbrington*, is, that *Wisbrington* was once in his life mistaken, as another may be another time. He may also dispute it with *Wisbrington* as long as he pleases: The Oath will remain neuter in the War, nor will all the *subtile obscurities* and *learned intricacies* they can raise, hinder the plainest man that is, from perceiving, that the Oath speaks only of *authorizing*.

But yet he apprehends the thing so obscure, that he desires to borrow his Readers eyes to help him out. I cannot but think his own eyes are better than mine, and that 'tis not their fault, if he see not better than I. However, such as they are, with all my heart they shall be at his service. Let us then, if we can, between us look out the mighty inconvenience, which he would have us believe there is, in denying the Popes Power to *authorize*, and not denying his Power to *command*.

If *Temporal Princes*, says he, as is here supposed, have Power and Authority to *Invalidate or annoy Foreign Princes, or their Country, may to depose them, when the good of Souls and necessity of the Church shall require*. Whether what he says be supposed, or no, I cannot tell. For I have not the New-years Gift which he cites, and *Witbrington*, in the place to which he refers, talks not of that matter: whether he do else-where, cannot be known but by reading all his Books. And, I hope, he does not expect I should take so much pains to look for no matter what, I know not where. But this sure is no such mystery. Every body knows that Sovereign Princes have Power and Authority to make just Wars, and every body sees that if they prove successful so far, the conquered Prince will be beaten out of his Kingdom. Every body knows too, that the good of Souls, and necessity of the Church, may be a *pretence* of making War, either just, or which at least may be prov'd so by the *Ratio ultima Regum*. If this be all the learned obscurity, in which he thinks *Witbrington* and his fellow plunged, there is no man in the World who is not as deep in the myre as they.

Marry, whether all this amount to Authority in one Prince to depose another, is another Question. Power I see they have, if they can prevail. Besides Power, I see nothing but Reason, by which they judge, whether truly, or untruly, that they may use their Power as they do. If this be that which he, or *Witbrington* means by Authority, He who says Princes have no Authority to depose, or do any thing else which they can do, says they have not Reason, and are not men. But I conceive most people mean by Authority, a certain kind of Quality, which, whenever it appears, ought to be submitted to, in virtue of that appearance, and he who does not submit, wrongs both him who has the Authority, and himself too. I know of no such thing among Sovereigns. On the contrary, it seems to destroy the very notion Sovereignty. For a Sovereign is one who has no Authority above him. So we see that if one Prince assail, the other defends himself; if
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he be beaten out of his Kingdom, he recovers it again if he can; and every body thinks he does well all the while, which would not be, if he were thought all the while to oppose a lawful Authority. Now because in the Language of the World, to say one Prince has Authority to depose another, is to say, that this other is obliged to quit his Kingdom, when the first declares he ought so to do, as a Magistrate is oblig'd to turn private man, as often as his Prince recalls his Commission. He racks the words to a violent sence, who says there is any deposing Authority among Sovereigns.

If the Pope is to be Judge of this necessity. Questionless he may judge of it, and so may every Metropolitan, and every Dioceſan, and every ghostly Father, and every Privy-Counsellor, and every man whose judgment a Prince will desire, or hearken to. All these may and do judge whether that necessity be such, as to engage the Prince to a War. And the Prince may follow their judgments, or not, as he sees fit, or unfit. I am much mistaken if there be ever a Prince in Christendom who thinks himself bound to enter into War upon any mans judgment but his own. Let the Pope judge it never so necessary, till he judge it so too, or at least expedient, there will be no work for Soldiers.

If the Pope hath Power (though not to authorize, yet) to declare, and not only to declare, but to command the doing of all this. What then? what terrible mischief will come of all this at last? Why then, truly his Opinion is, that this Doctrine, as it contributes little to the security of Princes, and as little to the satisfaction of intelligent Readers, so it is not every one can easily understand, or be able to reconcile it to Truth and itself. A wonderful inconvenience! That every body should not understand every thing, at least not easily, and this only in his Opinion! Surely there needed not have been so much cackling for this Egg.

It is not reasonable I should, for *Withrington's* sake, enter into the merits of a Cause, which requires more labour than I think due to his defence, and which is unconcerning besides. Only because he would persuade us the defence of the Oath drives men into Doctrines unintelligible to Readers, and insecure to Princes, it will not be amiss to see whether *Withrington* were so hard put to it. As for the first Point, I wonder why the difference betwixt *Authorizing* and *Commanding* should appear so unintelligible. Does not *Authorizing* signify doing something, in vertue whereof it is now lawful for him

who is authorized, to do what before it was not lawful for him to do? Does not every body see that unlawful things are sometimes *Commanded*, and that they become not lawful by being *Commanded*? Or if you will say, that only lawful things can validly be commanded, and therefore who puts a Power to Command, supposes a lawfulness in the thing commanded: There is still a palpable difference betwixt commanding what of it self, and independently of the command, is lawful, and making lawful what before it was made so, was not lawful. If he think Readers so little intelligent, that they cannot perceive this difference, I wonder why, and to whom he writes. For nothing he does, or can say is plainer.

Then for the security of Princes, methinks it is something, that *Withrington* allows not the Pope can make it lawful for one to Invade another. If you urge that he allows the Pope can command them, and therefore supposes they lawfully may; nay farther, that they ought do so, when the Pope commands, because lawful Commands are to be obeyd: I conceive he might reply, that he supposes no more than all the World knows to be true. For we see Princes may, and do Invade one another every day. And for the Obedience urged to the Pope's Commands, in that Case, what if he should say, the Obedience of Princes is, as the Service of Christians, rational, not blind: That being entrusted with the Temporal Sword by God, and accountable to Him, not the Pope, for the use of it, They both may, and ought to consider first with themselves, whether what the Pope commands be lawful; and when they have found it lawful, whether it be expedient: and rest in both upon their own judgment, and those in whom they confide, not the Popes. If *Withrington* should answer in this manner, he might, for ought I see, easily enough clear himself, and his Doctrine, of prejudice to Princes. For by this account, they would never make War at the Pope's Command, but when they found that War both lawful and expedient by their own judgments. And this as often as they do, they will certainly make War, whether he Command it, or no, nay though he Command them never so much to keep the Peace.

For my own part, I conceive, that though War be never so lawful, and expedient, and necessary too, if you will, the Pope cannot command it. Because (to abstract from what the Pope has to do with the Temporal Sword) I think *Command* imports an obligation of performing the action commanded, purely in vertue of the command,

mand, whether the obeyer see the lawfulness or expedience of the action, or no; nay, though to his judgment it appear not-expedient. And because Princes in such cases act in vertue of their own sight, not of the Pope's Authority, I conceive they cannot properly be said to be commanded, or to obey, even when they do what is said to be commanded; nor can I believe the Pope speaks in that strain to them. Yet if *Witbrington* would call it *Commanding*, he would speak but as many do. For we ordinarily enough say, we have obey'd our ghostly Father, for example, when we have follow'd his directions in things which with our own eyes we saw convenient. But whether the word *Command* shall signifie so, or so, being a pure Question *de nomine*, I think it not worth disputing.

Especially while Protestants are wiser than to amuse us with such unconcerning Speculations. They saw what truly imported, that all the danger lay in *Authorizing*. For could the Pope make it lawful for one Prince to invade another, there might be Invasions as often as the Pope pleased, and opportunity served. Against this mischief they provided; with *Commands* they would neither trouble themselves, nor us, seeing that if the thing commanded be unlawful; no command of it can be obligatory; and if it be lawful, it will be done without, and even against commands, whenever it is found expedient.

But to return to our matter, this Doctrine, *If this Gentleman mistake not, foully clashes both with Truth and it self*. Pray how with Truth? and how with it self? But I might have sav'd my Question. For all he answers to it, is to say the matter over again, with the imputation of a seeming riddle, and then ask, whether it be not a *meer mock pretence of security to crown'd Heads*? To which, as luck is, what is said before will spare me the pains of answering. But whereas he intimates the relief of troubled Consciences depends on *this nice Distinction of Authorizing and Commanding*: I should think no mans Conscience need ever be troubled with it at all. If that will do the business, let it e'en be let alone; and *Witbrington* for starting, and this Gentleman for chacing it, share the blame of troubling those Consciences between them. For the Oath obliges neither of them to meddle with it.

At last he comes to something, and tells us, *this Distinction is in very deed no Distinction at all, neither in respect of the King, or swearer. Not to the King, because it is all one to him whether he be invaded*
or

or deposed by the Pope's Authority, or only by his Command. Very true, if he be Invaded and Deposed. But it is not all one, whether he can be Invaded or Depos'd, or not. They who broacht the Distinction, say he cannot, neither by the Pope's Authority nor Command purely, and in other cases than such, in which he would have been Invaded and Deposed though there had been no Authority, or command of the Pope interposed, nor any Pope to interpose them. And I think there is no King but will acknowledge, this is not all one as to say, He can as often as the Pope pleases.

In respect of the Swearer, he says, it is no Distinction, because *he cannot securely, and without self contradiction swear that the Pope hath not any Power and Authority to Depose Princes, if he have Power and Authority to command others to Depose them: Why so pray? Because this authoritative Injunction is enough to entitle him to the fact.* Very well! Then an *unauthoritative* Injunction is not enough to entitle him to the Fact, and the Pope's Injunction to Depose, say the Distinction-men, is unauthoritative; *And his very commanding others to Depose, both makes and denominates him the Deposer.* What? Whether there be Deposing or no; or if there be, whether the Deposing follow from his Command, or from something else? Do I burn the House which I Command to be burnt, if it be not burnt, or if it be, is burnt on other motives than my Command?

Now, if the Distinction-men say, that Deposition, even when it is commanded by the Pope, and when it happens, does not follow from the Pope's Command, but from the Expedience and Necessity seen by the Deposing Prince, and in cases where no Commands of the Pope to the contrary could hinder it, they are far enough from being obliged to grant his commanding Deposition in that manner, denominates him the Deposer. And yet the Pope may be said a Deposer too, if you please, as the Counsellors who advise the Deposing Prince to the War, and the Soldiers who fight for him, may be said Deposers. But the Pope's Command being no cause of the effect, even when it happens, how a not-cause should necessarily come to bear the denomination of an effect, which follows, when it does follow, from other causes, is in my Opinion something harder to understand, than the nice distinction he thinks so unintelligible.

Lastly, he tells us, *That if it be true, what those Authors assume, that Temporal Princes have power to Depose one another, the Pope, as a Temporal Prince, may put in for his share among the rest.* Undoubtedly,

doubtedly, and for the whole roo, if he be strong enough. But if those Authors assume, or suppose, as he said before, that this kind of Deposing Power has any thing to do with the Oath, they are much out with their *Assumes*, and their *Supposes*. It is a wild Fancy, and which cannot, without injury, be fixt on the wisdom of the *English* Nation, to imagin they ever dream't of Depositions of this nature. Alas! it is not an Oath which can secure our, or any King from being driven out of his Kingdom, if another, who is strong enough, will in earnest undertake it; no more than Laws can hinder a man, who is stronger than I, from taking away my Purse, or Life, if he will.

It was the standing Right to Depose, claimed by the Pope, and by no body else, against which that wisdom provided this Oath for security. Against strength, or that Right which may accidentally accrue to Temporal Princes, by breach of Treaties, or however their Quarrels become just, they neither did, nor could provide. For who can tie up another man, both stronger than himself, and out of his reach? Reason, and their mutual agreements are all the ties which are, or can be among Princes. And there is no security but Force against him who will break them. In short, I flatly deny there is any thing in this Oath which concerns the Power of Temporal Princes. And I deni'd before, that the Power, by which they Depose, is the deposing Power meant by the Oath, or any body else.

And so I beg the Readers pardon for detaining him so long, with an entertainment so slight. All has been, to know whether *Wishington* spoke properly, or no, when 'tis not a straw matter whether he spoke, or no. While the Oath speaks not of Commanding, it is little to purpose to know what others say of it. Yet the Chapter made a pretty shew, the prettiest, I think, of any in the Treatise, and people would have thought, peradventure, there had been something in it, if it had been skipt over. But the substance is no more than you see.

CHAP. VII. VIII.

THE Seventh Chapter, to make way for a Parallel with the Oath of Allegiance, compares first two more general Propositions: *There is absolutely no Authority to depose Princes*, and *There is absolutely no Authority to depose Popes*. The first of which, he says, was propos'd, and rejected in *France*: the second cannot safely be sworn. And in this indeed he has divers Catholicks to take his part, though I do not approve of the reason he gives, why it cannot be sworn, (*viz.* because it is disputed) of which enough is said before. Neither can I tell whether the case be absolutely the same betwixt Popes and Princes. Those who think Popes may be depos'd, think also, that Popes, in some cases, are subject to a superiour Power in the Church, by which they may be depos'd. Now put a Prince so independently sovereign, that he is subject, in no case, to any Power, but that of God alone, his condition will be different from that which these men take to be the Popes. And it will not follow, that because Popes may be depos'd, such Princes can.

But this matter concerns not the Oath of Allegiance, nor indeed the Parallel which follows. He says, if this Oath be spelt backwards, reading Pope for King, and King for Pope, it cannot safely be taken by any Catholick. And what then? So the Oath of Allegiance can be taken, no matter whether the other can or no. Only I deny that it ought to be refus'd, for the reason he gives, *the publick and unproved disputableness of the case*; (For what else he says, is only to shew that it is disputed) as thinking it very unreasonable to say, let it be disputed as much as it will, that it is unlawful for him who is in his conscience fully perswaded of the Truth of either side, to swear that he is so. For that must go to the Parallel, to make it exact. And whether it do or no, the Truth may be seen with certainty, and sworn with security, notwithstanding the Controversie.

As for the thing it self, I cannot tell, but I suspect that few, either Catholicks or Protestants, would scruple to swear, if there were occasion, that Kings have not Power and Authority to depose Popes. Provided that King-deposing Power be understood in the same sence, as Pope-deposing Power is understood in the Oath. For if it be meant of Deposing by Force, undoubtedly there are Kings strong enough
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to drive the Pope out of his Chair. But understanding it of an inherent right, I conceive there is none, no not among the Enemies of the Pope, who thinks Kings have the same Power over Popes, which Popes claim over Kings. Neither does joyn'g with the Church alter the case. For as the hardness and weight of the Hammer with which I strike is lodged in the Iron, not in my Hand; The Authority of the Church joyn'd to the King, does not cease to be in the Church, because the King uses it, or rather is used by it. He himself puts the Deposition to be by Authority of the Church; what Authority Kings have besides, is but to use their own Power as they see fit.

To meddle farther with what I conceive little material, I think not proper. It will be time enough to consider better of it, when the case happens. Till then it seems an unconcerning speculation, which I leave to those who think it worth their pains.

The following Chapter indeed concerns the Oath; but, for the greatest part of it, not me. The substance is to shew, that the proper matter of an Oath of Allegiance is outward action, not inward perswasion, and therefore would have *Will not* sworn instead of *Cannot*. What is requisite for the publick safety, belongs to the determination of those to whom it is entrusted, and they are to resolve on the *shall*, or *shall not*: my privacy is confin'd to the *may*, or *may not*. Besides, though I see no reason in the world why any mans Conscience should check at the *Cannot*; yet I have a great aversion from intrenching on the liberty of others. I love to do as I would be done to; as I should not take it well to have other mens Perswasions obtruded on me, so neither do I think it allowable in me to obtrude mine on other men. I thought it a charitable service to examin whether the *Cannot* need be bogled at, if it be urged; but to make it be urged, I think neither charitable, nor rational. Let this Gentleman perswade those whom it concerns, to be content with his *Will not*; I, for my part, will throw no rubs in his way.

On the contrary, I will do him all the service I can. I will freely avow, I think he is in the right when he puts *Action*, not *Judgment*, for the proper matter of Allegiance. I conceive Magistrates need not be, and are not much concern'd what people think, so they always do what is fitting. Only Judgments which have influence on Actions under their care, cannot, I think, be excluded from their care. I will also avow, that I verily believe there are among the *Will-nots* as good

Subjects, and who in all Emergencies, even against the Pope, would approve themselves such, as *Can-nots* can be for their hearts. I would freely be bound, body for body, for some of them; For I know they would be *Can-nots* in their Actions, whatever they are in their Speculations. Whether they can, as this Gentleman says, give us good security for their Allegiance, is for them to judge, who are to look to that security. And to them I refer him, with this assurance, that I shall be very glad if they can agree.

I see not what I have to do, till he comes to the *Can-nots*, and says of them, they may change as well as the *Will-nots*. And I cannot deny but Man is a Creature subject to change, nor can I see what security an Oath, or any thing else can give, that an honest man shall never turn Knave. I do not think the framers of the Oath, or any other, expected by it to alter Nature, and render Man unchangeable before his time. But yet the *Can-not* seems to have some advantage of the *Will-not*. For who is persuaded that nothing can render disobedience lawful, is more likely to prove obedient, than he who thinks disobedience may indeed become lawful, but yet engages never to be disobedient. For why should he not do a lawful thing?

This Gentleman now will undertake to answer for both. I thank him for his kindness, and shall not be behind hand with him in good Offices, when I can be serviceable to him. He says, that both may be fixt by Oath, though with this advantage to the *Will-not*, that *the Will may be fixt immediately, and Opinion only by means of the Will*. I shall not contest upon the point of Precedency, nor envy any Advantage of the *Will-nots*. But if he have nothing else to answer, I wish he had only answer'd for himself. Whether what he say in behalf of his way be satisfactory, I have already said, is for them to consider, whom it concerns him to satisfy. I, for my part, shall be satisfi'd with any thing, and whether I be or no, is no great matter.

But for what concerns the other, I doubt they will not think themselves fairly dealt with, by allowing them only bare Opinion (that is in his Language, a state of suspense and indetermination) to make them pass for men, who would swear any thing, even while they were in suspense, and undetermined concerning it. He may think ill of them, if they have deserv'd it: but sure they have not deserv'd he should think so ill.

Again, What can be made of this fixing Opinions by Will? It seems to tread on the heels of a Bull. Since his very notion of Opinion

nion implies not fixure, I cannot easily discern what good sense the words can bear. Does he mean, that by willing long enough, and strong enough, I can will my Opinion into Certainty, or not-seen Truth into seen Truth? This, I conceive, is something hard to be done, and when it is done, it is not fixing Opinion, but unfixing Opinion, and fixing something else in its stead. Or does he mean perhaps the just contrary, that the Will shall have that influence on the Opinions, that they shall never cease to be Opinions, nor the Judgment ever pass farther, and arrive at Knowledge? This may properly enough be called fixing Opinions: but I do not think the Gentlemen of the other way will think themselves much obliged to him, for teaching them an Art, how to be sure never to come to Knowledge. Nor do I think it will be much satisfactory to any body else, to know such order shall be taken for their security, that as nothing is, so nothing ever shall be known of the matter, in which they desire to be secured. What else remains for him to mean I see not, but that, whatever our Opinions be, we may be fixt to Act according as we shall swear. But this is to fix not Opinion, but Action. And whether the Action can be securely fixt, till the Judgment, as well as the Will, be first fixt, concerning the lawfulness or unlawfulness of that Action, is the difficulty he is to clear to those, whom it concerns, and in which I wish him successful.

For my part I conceive this beginning at the Will to be a preposterous and unnatural Method. I apprehend the nature of Man requires he should be led by his Understanding. I see they are called Wilful who follow the dictates of their Will, (and Wilfulness is not reckoned among the Vertues) unless that Will be first settled by Reason, and that to follow it otherwise is alway dangerous, and often blamable and vicious. 'Tis plainly for the blind to lead him who has Eyes; For the Understanding is the Eye of the Soul. The right way then of fixing both Will and Action, I take to be by beginning at the Understanding, and fixing her first by the sight of Truth, and by her the Will. For he, I think, will constantly act one way, who sees he ought to do so.

Thus, I apprehend, the Gentlemen of the other way may say they are fixt in the present case. They may say, They will therefore always stand by their King and Country, because they see that such is their Duty. They may see that God has commanded that Duty without this Exception, *Unless the Pope depose*. They may see the reasons alledged for that exception deficient and unconcluding, and the reasons

against it strong and convictive. And their sight may either produce absolute certainty, or, what in this case is equivalent, a full persuasion that it is so. For that is as much as the moderation of this Oath requires. Hence they may rationally hope, that the imperfection of a changeable nature, of which it is impossible for them, or any body else, to divest themselves, will not bring them into the suspicion of being changeable in their Allegiance.

For there are but two ways by which they can change, either by changing their Judgments, or ceasing to act according to them. And for their Judgments, they cannot change till what now appears True, come to appear False, and the contrary True. And this, besides that to them who see the Truth with certainty it is absolutely impossible, is otherwise in our case a wild supposition. For when numbers of the best Wits of Christendom, for several hundreds of years have strain'd themselves to the utmost, and yet failed to shew them this Truth and Falshood, which are supposed may appear at last, to fear a change of Judgment from new Lights, is not much better than to hope to catch Larks with a Net made of the falling Sky. I believe Protestants will think themselves well enough, if they be safe till that day come. If they do not, I know not how they can be secure of one another. For they are men too, subject to the weakness of changeable Mortality, as well as their Neighbours. And if they cannot be secure of other mens Judgments, because of new supposed Lights, neither can they be secure of their own.

As for changing the second way, by ceasing to act according to their Judgments, or turning Knaves, the case is, I suppose, excluded by the very tender of the Oath. For it is to no purpose to require Oaths of those who are not thought honest men, and will continue so. Protestants know well enough, that 'tis not Conscience, but Fear, which works upon Knaves, and could never propose the Oath as an expedient to secure the Allegiance of other than honest men.

CHAP. IX.

THE two last Chapters promise an Answer to the Author of the Questions, as far as concerns ours at present: yet the first seems only to take a care of the Jesuits, who to my apprehension might have been past by, without prejudice to our Question. For sure to understand whether the Oath of Allegiance may be taken or no, it is not absolutely necessary to know how either *French* or *English* Jesuits have behav'd themselves. I, for my part, have a veneration for the Jesuits, and all Religious; though I must confess, I love all Orders better than any one, and Truth better than all. I wish them all the reputation they deserve, and to deserve all they desire, and shall never by my good will raise any cloud, which may hinder it from shining in its full lustre. Leaving the Jesuits then to enjoy, without disturbance, the Fruits of this Gentlemans Labors, the good Opinion of the Reader, I turn to what may appear more nearly related to our business.

His first Exception against the Author is, for mistaking the matter of Fact. And truly I think he did mistake one Censure for another, the Censure of the *Admonitio*, for the Censure of *Santarellus*, which, as this Gentleman says, was not past till some days after the Decree, by which the Jesuits were commanded to subscribe. But I do not perceive what this mistake makes or marrs, and, I suppose, no body would mistake willingly, but for some advantage. That the Jesuits in *France* actually did subscribe the Censure against *Santarellus*, which is all he pretends, we still have reason to believe. The Decree mentioned, besides subscription to the Censure against the *Admonitio*, requires the Jesuits of *Paris* within three days to bring into the Court an Act, by which they should disavow and detest the Book of *Santarellus* expressly, and procure the like Act from the rest of the Jesuits in *France* within two Months. It orders farther, That two of their body be deputed to write in the name of the rest, Doctrine contrary to *Santarellus*, and bring their writing into the Court within eight days, and this under penalty of high Treason. Whether this Order were obey'd, I cannot tell, but the former was. The Act is extant, whereby disavowing and detesting the bad Doctrine of *Santarellus*, they promise to subscribe the Censure which should be made of that pernicious Doctrine by the *Sorbon*.

I hope I shall not be challenged of mistaking too, because this Act bears date 16 *March*, a day before the Decree. I suppose, that whenever it was signed, it was not brought into the Court before the Decree pass'd, else methinks it would not have been required, if it had been there already. And it might very well be made before, in pursuance of a former Order, given them by word of mouth, when they appear'd some few days before personally in Parliament. However it were, it is apparent by the Act, that the Jesuits did promise to subscribe the *Sorbon* Censure against *Santarellus*, and actually did subscribe, or break promise. So that while the substance of what is said in the Questions remains in its full force, I see not how it import-ed this Gentleman to use so many words about a circumstantial mistake.

His next Exception I was very sorry to see. He blames the Author for cutting off part of the Doctrine of *Santarellus*, with an unreasonable, &c. which he says, may beget a mistake in the Reader, and give a different face to the matter. For it may be justly doubted, whether the Faculty would have pronounced so severe a judgment against the first part of the Doctrine, (*viz.* The Pope can depose for Heresie) had not the last aggravating circumstance (or rather cause) deserv'd and sharpened the Censure. Those circumstances are, That the Pope may depose, if it be expedient, if the Prince be faulty, negligent, useless, &c. Now for the Author, I conceive, by not citing the whole, when he promis'd only a short Extract, he has done no great injury to the Reader, and none at all to *Santarellus*, or those of his Order, by forbearing to say all the bad he knew. And for the thing itself, if this Gentleman have a mind to maintain, that the first part of the Doctrine does not deserve the *Sorbon* Censure, we shall see how good his Reasons are, when he lets us know them. In the mean time I can hardly think they are of his mind in *France*. For sure it was not for those aggravating circumstances alone, that *Mariana*, and *Suarez* were burnt, and *Bellarmin* condemn'd. The Exception he takes to the Censure, for not being separately apply'd to each Proposition, to my apprehension, makes against him. For it is a sign there needed no separation, and that the whole was corrupted into one mass of perdition. And so I leave the deposing Power to this Gentlemans protection, if he think fit to undertake it: wondering how favor to it should concern the Question in this Chapter, which in the first was foreign to this purpose: and grieving, that to depose even
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for Heresie should be thought a Doctrine which needs aggravating circumstances, to deserve a sharp Censure.

There follows a pretty severe reprehension of the Author, for conjecturing the different conduct of the *French* and *English* Jesuites, might proceed from the difference of their Interests. To which I can only say, that we are all Mortals, and our tongues, and much more our thoughts, will sometimes run before our Wits. I wish he were the only man in the World, into whose thoughts a suspicion of Interest in Religious men had ever fallen. Were it in my Power to regulate matters, neither should the not-Religious suspect, nor the Religious give occasion of suspicion. For if any do, I doubt they have the severer account to make of the two. Whether they do or no, I will not so much as conjecture; though I believe this Gentleman understands the World too well, not to know the suspicious Author is not without Companions in his fault, if it be one.

But leaving that matter to him to whom the Author has, and every body shall make their accounts, He proceeds to say in behalf of the Jesuites, that if the Cause of the *French* and *English* were the same, the *English* could not in likelihood run any hazard by writing after the *French* Copy; but it is not the same; there being a bare Subscription in *France*, and an Oath in *England*, and therefore no wonder if they act differently in different circumstances. This is in two words. The Jesuites always do well. Which every body may believe that pleases, for any thing I mean to say to the contrary. It concerns not our Question that I perceive: and if it did, I should undoubtedly side with Religious men, where I could with truth.

But the difference betwixt Subscribing and Swearing, which he makes another mistake in the Author, I take to concern our Question something, and proper to be considered. The Author says, That *certainly no sincere and generous honesty will solemnly and deliberately attest under his hand, what he will not in due circumstances swear to be true.* What mistake or harm can there be in this? Truly it seems so clear to me, that I wonder how they fell out about it, unless perchance this Gentleman, who thinks the Author mistaken in his Position, be himself mistaken in the Author. What the Author says is this: He who attests a thing is true, may swear it is true. I hope he does not understand him to say, that the Attestor may swear that is true, which he attests is doubtful, or barely probable, or uncertain. If he do, he misunderstands the Author, and the mistake is on his side. Again,
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by *True*, I conceive no more is meant than *True to the Attester*, or that it be lodged or settled in his Judgment as such, and that he be not conscious that what he attests is true, is peradventure not true. Not but that 'tis possible the grounds, on which he relies, may deceive him; but he must not be aware of any deceit, but be fully perswaded there is none. Otherwise he cannot assert, it is true to him, his own heart witnessing, that it is not true to him, or if he do, he is no honest man.

This being so, what fault can be found with the Author? Is it not plain, that an honest man neither will, nor can attest that to be true of which he is not fully perswaded that it is so? Is it not plain, that what is fully perswaded is true, to him is true, not doubtful, or uncertain, or only probable? If it be indeed true to him, he may swear it is true to him, and in due circumstances ought. Who refuses to swear, plainly refuses to do what he ought, and that is plainly to be wanting to what honesty requires.

What has this Gentleman to say against this? *How! swear to be true?* says he; *and yet this Gentleman (the Author) knew full well (had he reflected on it) that the only Question here is, of swearing or abjuring Opinions.* Very like he did so; and he knew well too, that *Opinions* in that place signifies *Tenets*, or *Points controverted*, whereof one side is, and must be true, and, notwithstanding the controversy, may be seen to be so. And he understood, as all the World understands, that when a man has attested one of the disputed Opinions to be true, he has attested that he is not in suspense about it, but resolv'd that that side of the contradiction is true, and that it is not Opinion to him, as Opinion signifies suspense, and indetermination. Why may he not swear this, if he can, and do attest it?

Why this Gentleman is sure, *the daily practice of the Church, in a free and inoffensive subscribing of Opinions, abundantly confutes it.* For what more usual amongst our greatest Divines, in resolving Cases of weight and concern, than to deliver and attest their Opinions under their hand? Very well. And, I pray, what does Opinion signify here? A state of suspense, and indetermination? So that when we consult these great Divines, in cases of weight, the satisfaction and security we get from them, is, that they are in suspense about the matter, and attest their suspense under their hands. Truly if this be so, we plain men of the World are wonderfully abused.

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We know our selves ignorant in matters which concern the conduct of our Souls, and take you to be knowing, who profess and exercise the Trade. Yet we are not so ignorant, but that we know there are several Opinions among you, and, if that were all, could take one at a venture which pleas'd us best, and never trouble you. But we desire to proceed securely, and come to learn of you, which of these Opinions is true, and we ought to follow. And when you have given us your resolution under your hand, we apprehend, that your are resolv'd your selves, not in suspense and undetermined, and that the Opinion you commend to us, is true, as far as your judgments, on which we rely, can secure us. If it be otherwise, and your own judgments unsettled, in that wherein you undertake to settle us, we are plainly deceiv'd. For we take your attestation for assurance that they are settled, and settled according as you attest.

Truly these great Divines at this rate will run the hazard of being conjectur'd little honest men. And if this Gentleman have indeed a kindness for the Jesuites, as one would guess by his writing, he will desire they should not be of the number of great Divines at this time. An honest man, who were ignorant of what he is askt, would say so, and send him who asks, to some body else who were more knowing. Or if it were a Point which no body knew, he would tell him ingenuously, and save him the pains of a fruitless enquiry. But to take upon him to be knowing, where he is conscious that he is not knowing; to resolve another, and in matters of weight, where he is not resolved himself; to deceive those who rely on him with an attestation of suspense, instead of an attestation of truth, which we desir'd, and thought we had gotten; are things which among us, do not pass for fair dealing, and which when we observe among those of our own Tribe, we think them not honest men who do them.

Wherefore I must needs believe Divines do not act in that manner, and that they are verily perswaded that whatever they attest under their hands for true, really is true; however the greatest of them may have their failings now and then. And I must needs give it with the Author against this Gentleman, not being able to see any thing which should hinder a man from swearing as much as he attests. Nor do I think it reasonable, that any one should venture his Soul, where he who bids him venture, refuses to venture his own. Nay, though his attestation should signifie no more than that he is in suspense, the Author would still be in the right, who obliges only him to swear a thing

is true, who has attested that it is so, and therefore means no more than that an honest man will solemnly attest no more than he will swear. And such an Attester I hope may safely swear that he is in suspense; though when he has done, if he never will attest more, he had best keep it to himself. For those who know it will be tempted to swear too, that they will never come at him more.

And for the consequence from subscribing to swearing, I take it to be so far from a gross offence to Reason, and Conscience, Logick, and Divinity, that could I answer for all as much as for one, I would say positively they do all oblige a man to subscribe no more than he can and will swear. I mean, as I conceive the Author meant, so as he subscribes. If he subscribes for absolute, or evidently known Truth, he will swear that 'tis, or that he knows it True. If he subscribe for True to his judgment, as it is generally, and always understood, unless the contrary be express, he will swear it is true to his judgment: if for probability, that 'tis probable, and so however he subscribes. For indeed subscribing is calling the World to witness, that he is indeed persuaded as he subscribes, and who refuses to call God to witness too, in due circumstances, gives more reason than an honest man would, to suspect, that he deals not uprightly with the World.

The last Quarrel he has with the Author, is for saying, *That the Jesuits are the strictest of all Religions in maintaining and extending the Popes prerogatives.* This concerns the Jesuits, not me; and though it did, I should think it were good before I medled with it, to know of them, whether they take it for an Aspersion. For if they do, I can tell them an infallible way to wipe it off. 'Tis but doing what this Gentleman says they may without hazarding their concerns, writing after the French Copy, subscribing a disavow, and detestation of the Doctrine of *Santarellus*. If they did so, I, and every body, who think them sincere men, should verily believe they truly did disavow and detest it; and, because I believe them good men too, and would not disavow, what they thought were true, that they were persuaded the Doctrine of *Santarellus* is false. And then I am persuaded, whatever this Gentleman has, they would have no scruple to swear, in fitting circumstances, that they are so persuaded. I will drive it no farther, for fear it should reach the Oath of Allegiance, which in my Opinion is not far distant from this case. Nor had I said so much, but only for the Example, which the matter afforded me, to shew the consequence from *subscribing* to *swearing*, is not so far distant as this Gentleman would persuade us.

CHAP. X.

THE last Chapter is made up of what else he has, or thinks fit to say, against the Author, a mighty weak man, in his Opinion, and who generally mistates the Question, even contrary to his own express Assertions, and speaks but little to it when he has done. Truly if the Question be mistated, it had been ne're a whit the worse, if he had said less: but methinks it does not hang very well together, that the Question should be mistated by him, whose Assertions are expressly contrary. I know not how a Question should be stated but by expressions, and those which are contrary to mistating, I should think, state it right. I shall only say, that there are some, peradventure as impartial Judges, and as careful Examiners, as other men, who have something a better Opinion of the Author, and who think not a jot the worse of him for what this Gentleman has said against him. And there are who suspect the Authors weakness was not the only reason, why this Gentleman would not answer the whole, since he has shew'd so good will to undertake him, by answering part. For my part, let every one judge as he pleases. Who judges amiss, the fault and harm will be his own. I only mind what imports our business.

The first thing he here dislikes, is fetching over a Parallel from France to England, as asking why we may not profess as much as they. To this he says, *'Tis one thing to profess as much as they, and another to swear as much as they profess; whereof, though the first might, the second cannot safely be done, for the reasons formerly inculcated.* I cannot tell whether this, *though the first might*, signifie it may, or it may not: for it may be taken either way. But if he be not disposed to renounce the deposing Doctrine, even as fully as the Oath of Allegiance requires, I would wish him to have a care so much as of *professing* what the French did; for fear of being drawn farther than he has a mind to go, and find the consequence from *professing* to *swearing*, strain as well as from *subscribing*. For *subscribing* is but one kind of *professing*. For the rest, it is the old story over again. Where I have met with the reasons, he speaks of, the Reader will see what I think of them.

As for the Question he asks, *How it comes to pass that the Oath of Allegiance having been so long translated, The French Universities have*

not voluntarily deliver'd their free judgment, and unanimously subscribe'd it? With the leave of those to whom he speaks, I must wonder he had so little acquaintance with the World as to ask it. I think few, besides himself, ever fanci'd a *French* University should subscribe an *English* Oath of Allegiance. As for delivering their judgments, perhaps they would, if they were solicited by such as had credit with them. Otherwise Universities do not use to assemble and make Decrees to satisfy every private man. Private Doctors are sometimes more forward, but then they carry less Authority, and every body knows that they are there as in other places, some for the Deposing Power, and some against it. I believe it were not hard to find *French* Doctors, who should declare the Oath unlawful; and those who thought otherwise would be shy enough of provoking the Pope causelessly, and incurring his ill will, to pleasure, not so much as a friend, but, a meer stranger, and one with whom they have nothing to do. Besides they have been told stories, of pretences which the Pope has by human right, as it appears by the History of the *Irish* Remonstrance, the Divines of *Lovain* were. Till they have studied the case, which till it concern them they never will, They have reason to hold their hands. But though there were nothing of all this, it is not the custom of one Nation to thrust themselves, without interest, into the concerns of another. 'Tis enough for the *French* that they defend their own King, and 'tis enough for other Nations, that they defend him by Arguments applicable to other Kings, and which if other Nations will not apply, the fault is their own. Who expects the *French* should do other mens work, and charge their own shoulders with the burthen of all Princes concerns, understands little of their humour. Every one is for himself. We interpos'd not betwixt the *Jansenists* and *Jesuits*, and are like to hear as little of them in our Quarrels. If there were nothing else, the *French* have more civility, than by taking upon them to decide our differences, to asperse our Nation, as if we had not men of conscience and learning among our selves.

The next Quarrel he has to the Author, is for saying, *The Deposing Doctrine, however it may by some be held speculatively probable, yet as to any execution, is practically no Power at all, against one in Possession, and consequently may be abjur'd as such.* This he calls his next Argument, and says, *It begs the Question, taking for an uncontrovertable truth, the only Point in controversy. For the Deposing Power hath been held, not only speculatively probable, but safely practicable.* True,
 it.

it was so: but sure it was held safely practicable only in force of a barely probable Speculation. For to say it was more than probable, is to say, it was certain. And that, I suppose, this Gentleman will not do, both for discovering more kindness to it than concerns the Question, and also because it were to unsay all that has been said in his Treatise, and allow that one side of a controverted Question may be certainly seen, and consequently sworn. Now if the Author had beg'd that a Power only probable, however it have been held, yet be not safely practicable, nor any Power to turn Kings out of their Kingdoms, and embroil Nations in confusion and misery, I think he had been no impudent Beggar. For not so much as any private man was ever dispossest of a long enjoy'd Estate, by any Court of Justice, upon pretence of a bare probable Title in another man to it.

I must confess I have a great curiosity to know what this Gentleman himself thinks of the matter, whether Deposing were safely practicable, as it was held, or not. If he think it was, truly he has reason to quarrel with the Author, and all who maintain the Oath, because they deny it is safely practicable. But then it were to be wisht, he would own his true reason, and stand to it, that people may know what to speak to. For if he think it was not safely practicable, I see no rational ground of quarrel he can have to the Author, who says but what himself thinks true, and begs no more than he is willing to give.

But after all, the Author did not go a begging. He was not so poor at this time. This Gentleman mistakes him, and calls that his Argument which is not. He discourses in this manner: A *certain* general Rule is to be observed notwithstanding an Exception that's *uncertain*. The Precept of *Obedience to Kings* is certain Catholick Doctrine, the Exception, *unless the Pope Depose*, uncertain. Therefore the Precept obliges, notwithstanding the Exception. Hence he infers, in the words cited by this Gentleman, that though the Exception, or Power of the Pope be held probable, the practice cannot be allow'd, as 'tis manifest it cannot, if we must act according to the certain Precept. This, if it be Begging, is as fine begging as one shall ordinarily meet with. Few dress up their Provings more gaily.

There follows, says he, another Argument: And so there does indeed a great way off. For the Author it seems, in the 15 Pages which this Gentleman skips, has nothing to purpose, or else worth notice. The business is, (for I am unwilling to transcribe many lines) whether

re-

renouncing Obedience to the Pope's Commands, do not amount to renouncing his Power. This Gentleman makes two parts of the Argument. The first which he tells us is quite besides the Question, and so had great luck that it was not skipt over with its fellows, he contracts into these words: *Either deny the Pope's Authority, or obey it.* To this he says, *That if these good Subjects, who will swear they will adhere to the King, though the Pope should Depose him, will but say (though not swear) he cannot Depose him (which is no more than with the French Divines to deny the Deposing Power) then the Gentleman (the Author) and the first part of his Argument are satisf'd* Not very well, I doubt, nor any body else, unless they mean as they say. For who says what he does not mean, will hardly pass either for good Subject, or good man. Their conscience must either bear them witness, that the Pope indeed cannot Depose, or they cannot say so without lying, and few people are satisf'd with Lyers. But if their conscience be in earnest perswaded so, manifestly it is not check of conscience, which hinders them from doing all that the Oath of Allegiance desires, swearing that it is so perswaded. So that bare saying, if you bar lying, may prove as bad, and of as scurvy consequence, as subscribing, and professing, and trepan a man, before he be aware, into swearing.

For my part I am wonderfully ill satisf'd with all this, and see this offer to say, and refusal to swear, with extreme grief. 'Tis well that all Catholicks are not of that mind. If they were, those who think ill enough of us already, would soon think worse, and take us for a sort of people, who car'd not what we said, or subscribed, and who perhaps would profess for true what we thought false, and contrariwise, or never concern our selves what were true or false, as long as we were not put to our Oaths. None but Magistrates, or who had Power to administer Oaths, would deal with us at this rate, nor they neither after a while. For he whose word will not be taken, will not long be believ'd upon his Oath. I hope, and doubt not but, this Gentleman is provided against this scandal. But I am sure, if any Maxims would infer it, they are not Catholick Maxims. As I am only acquainted with common roads, and know nothing of the nearer ways of Casuistry, I apprehend things in this manner. Words I take to be signs, and witnesses to the hearer, of what is in the speakers mind. Who puts into his words, what is not in his mind, wrongs his hearer and himself, and overthrows the Basis of all human Conversation, and Traffick,

Traffick, Veracity. Every honest man seems a kind of Peer in judgment. What he says on his faith, (and this he does as often as he speaks deliberately in a matter of moment,) is as guilty, or not guilty upon my honor.

Swearing I take to add nothing to saying, save a stronger confirmation to those, who not relying on our honesty, require God should be engaged, with whom, they think he must be madly wicked who dares dissemble, since none can deceive him, nor hope to scape his severe hands. But there must be the same grounds for both, *viz.* Truth, or the things being in the words, as it is in the mind. Without this you cannot say, with it you may, in due circumstances swear. Neither does *swearing* add or alter, nor *saying* diminish any thing of this, nor does *swearing false*, more wrong our Neighbour, though it does God and our selves, than *saying false*. Wherefore I cannot understand how any one can fear perjury, by swearing what he says, but he who has said what is against his conscience. For Perjury, as this Gentleman rightly observes, is nothing but a Lye sworn, and so of necessity there must be a Lye before there can be Perjury. So that I see not how he who thinks himself in danger of Perjury, by swearing the Pope cannot Depose, can avoid the danger of lying (damnable as well as the other, though not so grievously) by offering to say it. The conscience must be safe in both cases, or neither, and all the several ways of checks, which this Gentleman has found in his Second Chapter against *Swearing*, must as necessarily be avoided in *Saying*, unless a man care not to be damn'd, so it be not altogether with the deepest.

For the Second, and only pertinent part of his Argument, he puts these words of the Author: *What wise and real difference as to Government, and the practical part of Human Life, is there betwixt these two; Ple swear never to obey my Commander, and Ple swear he has no power to command me?* The answer, he says, is easie. *The last is an assertory Oath, and swears to a disputable piece of Doctrine as to an absolute Truth, which is down right Perjury.* This is still the old Song, to the Tune of the whole Treatise, which what harmony it makes to my ears, I have often enough said. I shall only observe it has something a begging countenance, as well as its neighbors, while it assumes the *Doctrine sworn is disputable*. For the Author, he sees, is of opinion, that forswearing the Practice, amounts to forswearing the Power, and puts the Question, whether there be Power, or no, out of dispute, so that the later is not disputable to him who can swear the former.

Again,

Again, This *absolute Truth* is a supposition more than needs, or will, be granted. 'Tis as the Oath is. If it run as the Oath of Allegiance, Truth to the best of the swearers judgment will serve turn. And I conceive the Author, where he speaks of *true*, meant no otherwise, it being so generally understood, and certainly meaning nothing else in our case. For what else is material, there will be occasion to speak of it in the next branch.

Which, he says, *being a promissory Oath, and tending wholly to practice, engages not for the absolute Truth of any Doctrine, but only for the swearers Allegiance and Loyalty, and therefore requires no absolute certainty to build on, but only a safe and practically probable Opinion.* That this is a promissory Oath I agree, that we may agree at least in something. But this promissory Oath, to my apprehension, does engage for the Truth of some Doctrine, and if it did not, could not engage for the Allegiance and Loyalty of the swearer. As for absolute Truth, and absolute Certainty, which he puts in, such an Oath as the Oath of Allegiance requires them not, so that if he had an eye to that, they are rubs which he has found out to cast into a way, which was otherwise smooth. Let but his words and judgment agree; let him engage for Truth enough to satisfy his Conscience, and Certainty enough to answer for so much Truth, and he may safely take the Oath of Allegiance, for any thing more that it engages him to, or requires of him. Taking Truth then for such Truth as is requisite to the Oath of Allegiance, I conceive, that he who swears *he will never obey the Pope in the case of Deposing*, does as much engage for the truth of this Doctrine, *That the Pope cannot Depose*, as he who swears in the Terms of the Oath.

And I am so persuaded, because I think it as much Perjury, or, if it have another name, as great a sin, to swear what is *unlawful*, as what is *false*. I think also, that the lawfulness of what we swear, must be as much known, and fixt in our conscience with as great a certainty, as the Truth: and that the inward checks against Injustice, make a man as deeply accountable to God, as checks against Falsity. Wherefore, unless he who swears, that he will always disobey the Pope, be satisfi'd in his conscience, that it is, and always will be lawful to disobey him, I think he cannot swear. That promissory Oath therefore engages for this Truth, *That it is always lawful to disobey him*, nor is there any difference whether he swear in the promissory, or assertory form. But it cannot be lawful to disobey him, who has
power

power to command, nothing being more evident, than that such power imports an obligation to obey. Wherefore he who expressly, or virtually swears it is lawful to disobey the Pope, swears also he has no power to command. Now he who takes the Oath of Allegiance does no more, and he who swears in the promissory form, to my apprehension does no less. So that I cannot imagin how those who refuse the one, offer the other.

But if there be a difference, as this Gentleman apprehends there is, and that the promissory Oath do not engage for any Truth, I conceive, there can be no security of Allegiance by the Promissory. Every body knows, that who promises an unlawful thing, is so far from being oblig'd to keep his promise, that he is obliged not to keep it. And I speak of Promise by Oath. If the Pope have power to command, disobedience is plainly unlawful. Who promises to disobey him, and yet allows that perhaps 'tis true that he has power to command, promises to do what perhaps is unlawful, and what he acknowledges to be so. If any man's conscience will allow him to make such a promise, every mans judgment will tell him, that it can no more than perhaps oblige, and that perhaps who makes it, may be oblig'd to break it. Who thinks this a sufficient security of Allegiance, may do so, if he pleases: but, I doubt, he will have a hard talk to make others think so. For the promiser may perhaps be oblig'd not to perform, and 'twill not be thought reasonable the security of Princes should depend on may-be's. For my part, I see not what can be plainer, than that, if unlawful promises are not to be kept, those promises are only secure, where lawful things are promised. Wherefore who cannot, or will not engage for the lawfulness of what he promises, cannot engage that his promise shall be performed.

I know not whether it may be said, That *'tis lawful to do what is not seen to be unlawful.* And therefore since, whether the Pope have power or no, I do not see he has, it is lawful for me to disobey him, and oblige my self always to disobey him by promise. But this will not do: because I cannot oblige my self for ever, nor for longer than till I remain in ignorance. As soon as I see the Pope has Power, my disobedience becomes unlawful, and I am bound to break promise; my performance therefore evidently depends on my sight. But I do not see what security I can give that I shall never see, what I confess perhaps is to be seen, and which may be seen, it may be the next day, it may be the next hour; after I have made the promise, for any thing I can

answer to the contrary. I fear in spite of whatever can be done to exclude it, there must always be a tacit condition impli'd in these kind of promises, and that he who professes absolutely he will always be loyal, can mean no more than that he will be loyal, unless, or till it appear, that he ought not to be so. Which to me seems but slender security.

Again, What appearance of security is there in a promissory Oath, which the promiser acknowledges may be dispens't with? Though he should swear not to accept of a Dispensation, the matter, I doubt, would not be much mended. For if there be a power to dispense, and that power have exercis'd it self, and dispens'd, whether the Dispensation be accepted or no, the Oath is truly dispens'd with, and cannot oblige him who acknowledges it is so, as he must, who acknowledges a power of validly dispensing. Wherefore if he accept not the Dispensation, 'tis not in vertue of the bond, of his Oath, for that is cancell'd, even in his own judgment, but in vertue of something else: for which if he can offer other security, well and good; but his former security is void. There is no obligation from the nature of the thing: For Loyalty to Princes depos'd, is not to be preserv'd, if the Pope truly can depose. There is no obligation from the Oath: For that may be dispens't with, and though it were not, as soon as it is seen that the Pope has power to depose, to obey a depos'd Prince is unlawful, and the obligation of the Oath ceases.

The truth is, the case is hard. What is promis'd is unlawful, if the Pope can depose. No mans conscience can be oblig'd to a thing unlawful, and his conscience will not allow him to think the Pope cannot depose. But yet because he does not absolutely see the Pope can depose, though he shrewdly suspect it, and hopes he never shall, his conscience will suffer him to promise absolutely that he will always be loyal; though every body sees, it may happen to be his duty, according to his principles, not to be Loyal. And so upon the matter he desires you to accept of his good will, for the deed, and to believe he will never do otherwise than he promises, since his conscience is incompatible with any obligation, that this will shall be constant. And when a man does all that he can do, why should not people be satisfi'd? Now he whose conscience is perswaded that the Pope cannot depose, when he promises to be always loyal, is doubly oblig'd to performance; by his Oath, and by the nature of the thing promised, which obliges whether he promise or no, and therefore cannot be dispens't with.

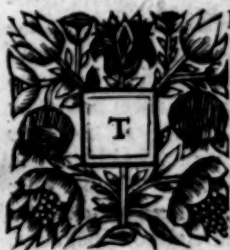
In the last place he brings what he calls, *A conjectural proof, or rather meer affirmative presumption* of the Author concerning our Ancestors. But he was a little out, when he took it for a proof. It is the Answer to an Objection, which the Author had fram'd against himself. Nor do I see any great presumption, in thinking our Ancestors would have chang'd their judgments, if they had seen reason so to do. And I think the Reasons alledg'd by the Author, and this Gentleman out of him, would have gone neer to have perswaded them, not only that the opinion denying the deposing power is bare opinion, but also that it is true. In which if I be guilty of presumption too, I hope the sin is not unpardonable: For I must presume again, that He, and the Author were both mistaken, if they thought our Ancestors generally refus'd the Oath of Allegiance. I am much mistaken if they did not generally take it, though I foresee there will be a fitter place, to say why I think so.

There remains only to conclude a little differently from him, That since it is *the Voice and Law of Nature, that Protection claims Allegiance, and that perfect Subjection to Civil Powers, under which we live, is the strict Injunction, no less than dictate of Reason* (he might have said Religion too) there can be no danger to our Souls in complying with what Nature, Reason, and Religion require; nor danger of Perjury by giving security, that we will, as we ought comply; and that Tenets inconsistent with such security, are inconsistent with all three, and can have no better warrant than scruple. Wherefore I wish and pray, That rendring to God the things that are Gods, be not made a pretence of robbing *Cæsar* of the things that are *Cæsars*, nor our Allegiance to our King forfeited under a shew of Loyalty to God.

F I N I S.

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A N
 ANSWER
 TO THE
 Third Treatise.



He Third Treatise goes another way to the wood. Declining the Question of the Deposing Power, with the wariness of the second Author, and with more liberality allowing every one to hold and defend the contrary, It yet finds fault with the Oath of Allegiance, upon an extrinsical and accidental account, viz. the Popes prohibition of it. So that had the Pope either not writ, or not sent the Breves alledged, there had been no place for this Gentleman's Argument. It is this: *Whoever takes the Oath, denies an exterior obedience to the Popes prohibition, in matters appertaining unto him, and no farther then they appertain unto him. But it is unlawful to deny an exterior obedience to the Popes prohibitions in matters appertaining unto him, and no farther than they appertain unto him: Therefore it is unlawful to take the Oath.*

From this Argument the Author of the Preface takes occasion to tempt us into their example of throwing the Pope quite off, seeking with this pleasant smartness to fright us into an apprehension that we shall have a hard task of it, to justify the Popes Authority, and disobey it at the same time. I must beg his pardon for that matter, be-
 A. lieving

lieving that to cut off the Head is but a bad way to cure the Head-ach. All sorts of Superiors, Ecclesiastical and Civil, Supreme and Inferior, exceed sometimes, and find their Commands unperformed, not only without blame, but with praise. None but Tyrants expect their Word should pass for Law; All just Powers have their bounds. And I, for my part, think him much a better Subject, and more a friend, and support of Authority, who, preserving a due respect, refuses to comply with the failings of his Superior's, than who with a dangerous flattery soothes his Errors, perhaps into ruin. Besides, while he himself has shew'd us how to avoid the precipice, he has made it something the more inexcusable to leap into it. Wherefore acknowledging the Popes superiority, I must try how hard it is to answer the Argument drawn from it.

Yet before I begin, I have something to say to the Topick, which disrelishes with me for more reasons than one. First, I have some difficulty to understand it, as plain *English* as it is. *Exterior Obedience is due to the Popes Prohibition in matters appertaining to him, and so far as they appertain to him.* What means this, *so far as they appertain to him*? This should signifie, because Spirituals belong to the Ecclesiastical Magistrate, and Temporals to the Civil, that Spirituals may in some respect become Temporals, and in that respect belong to the Civil Magistrate, the Ecclesiastical meddling with them no farther than as they are Spirituals. But then in that respect they are no longer Spirituals, and so appertain not to the Ecclesiastical Magistrate, and are excluded from his cognizance by the first Branch. So that what remains for the second Branch to exclude or signifie, I cannot tell. Or may it mean, because Magistrates are to exercise righteous judgment, that it does not appertain to them to judge wrong, and so they are to be obey'd only so far as they are in the right? If this be his meaning, his Argument, I doubt, will do him but little service. The thing is not always true; for unjust Commands are sometimes to be obey'd for the good of the community; and if they were not, he knows it is conceived that the Command in question is not just.

But which is of more import, according to the Argument, the Unlawfulness of taking the Oath of Allegiance consists in Disobedience to the Popes commands. And yet he says a little after N. 7. That the Popes Breves *do not make the Oath unlawful, but only declare it to be so*. Which if it be true, then the Unlawfulness does not consist in Disobedience, but in the intrinsic Unlawfulness of the matter sworn, and

and the Oath had been unlawful whether the Pope had forbid it or no. But if the Argument be true, and the Unlawfulness do indeed consist in Disobedience, then plainly there was no Unlawfulness antecedent to the Prohibition, which the Pope would declare, and the Breves make the Oath unlawful and nothing else. How these two can hang together, is very difficult to comprehend. One says the Oath is unlawful, because forbidden; the other, forbidden, because unlawful. In the first case *Prohibition* is the *Cause*, and *Unlawfulness* the *Effect*: in the second, *Unlawfulness* is the *Cause*, and *Prohibition* the *Effect*. To say both, is to make the same thing a *Cause* of that of which you make it an *Effect*, that is, both *Cause* and *Effect* of it self. As unintelligible, and as impossible as this is, I cannot blame the Author for desiring two strings to his bow, and the liberty to shoot now one Unlawfulness, now another, as occasion serves: but I foresee 'twill be difficult dealing with such a man. Shew the command obliges not, and the obligation of the thing commanded will be insisted on: shew there is no obligation in the thing, and the command will be obtruded. And who can speak to more than one thing at once?

Now for the Argument, which only presses the Command, I conceive it quite changes the nature of the Question, turning it from the *thing sworn*, to the *swearing*, from the lawfulness or unlawfulness of the *Oath*, to the lawfulness or unlawfulness of *taking it*. As it is plainly one thing to ask whether *Flesh* be a lawful food, and another, whether I may eat it on Fridays: so to ask whether the Oath be a lawful Oath, is very different from asking, whether I, in such and such circumstances, may take it. Who inquires whether the Oath be *lawful* or no, desires to know whether it contain any thing contrary to the Laws of God or Man, or no. Who answers of an *External Prohibition*, speaks of a thing not contain'd in the Oath, and says nothing at all to the Question. If I refuse an Oath, who have bound my self not to swear (supposing I can validly do so) or a *Quaker* refuses one, whose conscience permits him not to take any, I think it is strange Logick which can from thence conclude that Oath unlawful. And I think it no less strange to conclude this Oath *unlawful*, because it happens to be *forbidden*. For the Prohibition is as extrinsecal to the Oath, as the *Quakers*, or my Conscience; and the Unlawfulness of an Oath is understood to be an Intrinsic Denomination.

The Justice required for one of the three conditions of an Oath, the want whereof he says N. 1. makes an Oath intrinsically evil, must, I

think, be meant of a Justice *intrinsic* to the Oath. For an *extrinsic* injustice, sure, can make it no more than extrinsically evil. And since, as he says, in the same place, an unjust Oath cannot be justified in any case possible, this unjustifiable injustice cannot be an extrinsic Injustice by prohibition. Because if that were all, the same Oath remaining the same, now might, now might not be justifiably taken, as it has the luck to be forbid, or not forbid; and might be taken by some, and not by others, as some might be forbid, others not forbid to take it. As in this case, the *Breves* being address'd only to the *English*, there is nothing in the Argument which can hinder the *Scotch*, or *Irish*, or any other of the Kings Subjects from taking the Oath of Allegiance. But an Oath truly unjust cannot be taken by any body at any time.

Again, The justest Oath in the World may happen to be forbid, as well as the most unjust; nor is it possible to frame an Oath, which may not become unjust this way. As in this very case, I believe it were hard to contrive a renunciation of the Deposing Power, (without which renunciation there are who will not be satisf'd of our fidelity) into terms, which should scape censure or prohibition. We have seen the experience in the *Irish Remonstrance*, and in the *Three Propositions*, (and I could instance farther if it were purpose) which as free as they are from the Exceptions commonly made against the Oath of Allegiance, yet have not met with much better luck. So that I fear there is no fence for their Flayl, and should we refuse to give assurance of our fidelity (if that renunciation be indeed necessary to assurance) till we could find out terms which should displease no body, I doubt it will be long before we pass for faithful Subjects. However it be, this external casual injustice, I conceive, is not that which people seek, and are obliged to avoid in Oaths. Not that disobedience to obliging commands is not sin, and ought not be avoided: But I conceive it is a sin of another nature than Perjury, if that be the name of swearing unjustly. For though the Command happen to be about an Oath, yet it is but a Command, and the breach of it disobedience, not that irreverence to God, which is committed by swearing false or unjust things.

For this reason I suspect the Topick will not prove very satisfactory to those for whose sake he professes to write. Few are ignorant of the *Breves* he mentions; but they have a scruple concerning them, and desire to know whether what they forbid, as contrary to Faith and

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Salvation, be truly so or no. Who would satisfy them, should shew it is; For if it be not, in sted of quieting their former scruples, they will be apt to entertain new ones, and desire to know farther, what necessity there is of obeying a command, manifestly grounded on a supposition which is not true. This Author undertakes to lay these storms of doubts, and allow them N. 80. the same liberty with the *French*; to hold, and maintain the Pope has no power to Depose Kings, which is the substance of the Assertory part of the Oath, and N. 50. offers a promissory form, æquivalent, I suppose, in his meaning, to what is promis'd in it. This is manifestly to allow them to hold all, which they profess in the Oath to hold, and do all they promise to do. And yet, to satisfy them, He will not allow them to take the Oath, because it is forbidden. Now their difficulty is, How they can be forbid to profess by Oath, when legally required, that they hold what they do, and according to this Gentleman, lawfully may hold, and promise what, according to him, they lawfully may, and ought do. And his satisfaction to this difficulty is to tell them of a Prohibition, which Prohibition is the very thing in which they are dissatisfi'd. It is plain the Oath was, or was not unlawful, before the Pope forbid it. Who believes it was, needs not the Popes *Breves* for his satisfaction. Who believes otherwise will be more apt to be dissatisfi'd with the *Breves*, than the Oath, for all this Gentlemans Argument. For let the Pope have what power he will, why should he use it to forbid things, which otherwise might irreprehensibly be don, and this to the manifest and great prejudice of the obeyers? Till the World be a little better dispos'd to blind obedience, such Arguments, I doubt, will not be very satisfactory.

Besides, in my opinion this Topick intrenches a little too much on the Reverence we owe the Pope. If no Unlawfulness can be shewn in the Oath, independent of his *Breves*, he is manifestly expos'd to the aspersions of forbidding us lawful things. And that, not upon the score of *Unfitness*, on which things otherwise lawful may rationally and profitably be forbidden; but of an *Unlawfulness* which this Gentleman allows us to believe there is not. I conceive, in a Country where all he does is so apt to be mis-interpreted, it would have become the respect due to him, to have been more chary of his credit. If any can, it had been much more to purpose for this Author to have let his *Breves* alone, and produced that which would have done the business much better without them. Though Catholicks should be satisfi'd
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with them, Protestants, he knows, look upon what they forbid, as a duty required by the Law of God and Nature, besides that of our Country. By this Gentleman's Argument, the Pope and we are both left in the lurch, and unable either to justify him from the aspersion of forbidding us to do our duty, or our selves from owning a power which can do so.

Were there nothing else but bringing the Popes Authority into dispute, I conceive, he had deserved much better of him, if he had chosen another Topick. I, for my part, have a great aversion even from discoursing of Supreme Powers, whether Ecclesiastical or Civil; and doubt it is making more bold with them, than becomes private men. The Authors of the *Second Treatise*, and *Controversials*, in my opinion, are in the right. To preserve the Majesty of both Powers in an awful distance, is not, only respectful, but necessary. And for the Popes Authority in particular, I must declare I think it of infinite benefit to the World, and believe it may thank the preposterous zeal of inconsiderate friends, if fewer be of my mind than should be. For indeed to strain Authority beyond its bounds, is the worst office which can be don to it. In sted of getting what is not due, it often loses what is; as who would shoot farther than his bow will carry, by drawing up his Arrow too high, breaks his bow. I am very sorry he has, by pressing obedience, drove me to the necessity either of obeying against my conscience, or giving a reason why I think I ought not, against my humor. Who is at the Oar, cannot but row; yet I shall endeavor to strike no deeper, than is just necessary to keep the Boat stedy.

To enter upon the merits of the Cause at last, The Major of his Argument is this: *Whoever takes the Oath, denys an Exterior Obedience to the Popes Prohibition, in matters appertaining unto him, and no farther than they appertain unto him.* Pray why so? How comes the Oath of Allegiance to appertain to the Pope? which if we may be-

K. James lieve a King, and a King who had the principal hand in making it, his Apo-meddles only with the civil Obedience of Subjects to their Sovereign, logy for in meer temporal causes. Because, says he, N. 2. Several things are the Oath contained, or involved in this Oath, the decision whereof appertains of Alleg. only to the Spiritual, and Ecclesiastical Court. If I am not mis-in-p. 47. and form'd by Lawyers (for I have no skill in these matters) when there is alsewhere question to which Court a Cause belongs, the decision of that Que-often. sition, by the old Catholick Laws of England, belongs to the Temporal

poral Court. I know he is of another Opinion, for Reasons which we shall see when we come at them. In the mean time I think the practise of our Ancestors, in which the Spiritual Power has acquiesced, ought to over-rule his Reasons. But this by the by; for I intend not to insist upon it. What are these several things, which appertain only to the Spiritual Court?

He reckons up these: *How far the Spiritual Power extends it self? What Authority Christ left to the supreme Spiritual Pastor as such? What are the effects of an Excommunication? What Propositions are Heretical? and,* which he says is the main debate, *Whether this Oath be sinful or not?* It is, I perceive, of main importance by which handle we take a thing. All this, as Ecclesiastically as it sounds, has a pure temporal meaning. For what *Spiritual Power*, and *Spiritual Pastor*, and *Spiritual Censure* can do (which by the way are but three several expressions of one thing; 'Tis in short *Spiritual Power exercis'd by the Spiritual Governor*) means nothing by its extent, and authority, and effects, but whether Subjects are to obey their Prince, when the Pope says they are not. And certainly the Question of the Civil Obedience of Subjects, in civil matters, is a temporal matter belonging to the Temporal Court, and does not become Spiritual, because a Spiritual Power interposes in it. It is what it is, whatever that be which medles with it; nor have I heard, nor can I imagin that Spirituality has the force to assimilate things into its own nature, like him who turned all he toucht to Gold.

But *the Oath says, the Pope cannot Depose, and that as to determin the extent of his Power.* I cannot tell whether it be or no. He who says the *Thames* does not run over *Salisbury-Plain*, I think does not determin the bounds of the *Thames*. But not to dispute of words, if you will have it a confinement of his Power, it is such a confinement as belongs to the Civil Power. For he who has it, as he is to be supposed ignorant in Spirituals, does not exercise any authority, or pretend to any skill in them: but out of the nature of Civil government, which belongs to him, and in which he alone is to be supposed knowing, sees what is consistent or inconsistent with it: and out of that sight determines what may indeed by accident concern the Spiritual, either power, or pretences, but which proceeds from his own skill in matters in which he alone has it. Barely by knowing what twenty shillings is, I can certainly tell, that if you add Gold, or take away Brasse, it is not twenty shillings; and yet I determin nothing of the value of either, nor perhaps

haps know so much as what they are. So it is in this case. The Civil Governor knows what Civil government is, and by that knowledge can with certainty judge what is necessary for it. He judges, and all the World sees he judges right, that it cannot subsist without the obedience of those who are subject to it, in those things in which they are subject; and certainly concludes, that what takes away that obedience, destroys the government. Whether it be Spiritual, or Temporal Power, or any thing else, which pretends to do this, is all one to him. For whatsoever it be, he evidently sees it ought not be done, and that the pretence is vain. Wherefore if you will call the denying of that pretence to the Spiritual Power, a confinement of the Spiritual Power, it is plain he exceeds not the sphere of his own activity, nor does more than conclude out of the Principles of his own Art. And this manifestly belongs to him, and so to him as not to any body else; since every body else is supposed ignorant in them. Neither does he intrench upon the Spiritual Power, by securing the subsistence of the Temporal Common-wealth.

Let me add, that 'tis as much for the interest of the Church, as of the Common-wealth, that he do so. A Common-wealth can be without a Church, but a Church cannot be without a Common-wealth. 'Tis true, the Church is the principal and more noble, as raising man to a higher and better state, *viz.* a disposition to true and lasting happiness; whereas from the Common-wealth he can only receive these perishable conveniencies which are found in a peaceful society. But yet the Common-wealth is to the Church as the Foundation to a House. The House is without doubt the principal part, by which those of a Family have shelter from the weather, conveniencies to repose, and converse, and what else they aim at in buildings. Yet nothing of all this can be without a firm Foundation; whereas the Foundation, however useless, would yet remain though the House were gone. So it is between the Common-wealth and the Church. The Common-wealth is the Foundation, without which there can be no such thing as a Church. For the Church is a body of men to be rais'd by Christian Discipline to the uttermost perfection of which humane nature is capable. And 'tis evident there can be no Body of men to be rais'd, where there is no Body of *men*. Civil Government preserves this Body: Take that away, and there is nothing on which the Church can work, and no where she can be. The Common-wealth, however useless to the perfection of nature, would remain, though there were
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no Church ; but Church can no more stand without Common-wealth, than the Chambers when the Foundation fails. So that manifestly the preservation of the Church, and all the goods we hope from her, require the Common-wealth be kept up.

Thus much I thought it not amiss to say by the by, that those, who I doubt reflect not on it as it deserves, may see there is nothing more ruinous to the Church, than that Zeal not according to knowledge, which seeks to exalt the Spiritual Power to the unsettling of the Temporal. As fondness is a very dangerous, and often ruinous, kindness, These by their over-friendship become in truth Enemies to the Church. In the mean time, I think, I may warrantably deny the *Major* of the Argument, since the wording of the Instances, which would prove there is something in the Oath which appertains to the Pope, in spiritual Terms, does not hinder the matter of it from being a pure temporal matter, appertaining wholly and only to the Temporal Power, and not at all to the Pope.

I say nothing of the other two Instances, because I conceive them more for shew than substance. The Oath determines not what is, or what is not Heresie ; but barely calls that Heretical, which is already determined, and known, and confest by all the World to be so, as is already discoursed in answer to the Second Treatise. It is a very strange pretence, that the Temporal Power exceeds its bounds, because it calls things by their own names. Neither do I think this Author, or any body else, would think the Civil Power determin'd of Heresie, or pass its limits, or did any thing reprehensible, if it ordered for example, that he should be punisht, who maintained this Heretical Proposition, *That Theft is lawful*, or commanded it to be renounc'd. And this is as much as the Oath of Allegiance does.

Then for the pretence of *sinful*, or *not sinful*, if this would draw the Oath under the cognizance of the Spiritual Tribunal, it would draw every action, and leave the Temporal nothing to do, absolutely idle and useless. For there is no action which is not either sinful or not sinful. Our Bargains, our choice of Life, of Company, of Clothes ; every thing we do, by this account would all croud into the spiritual Court, because, as I said, in all we do well or ill. I think it unnecessary to dilate upon this point, though I know the pretence has been made use of before, and by a Pope too. But I conceive it finds no very good reception in the World, and believe every body may easily see why it does not. Suppose there were nothing of all this, where

there is no Question of *sinful or not sinful*, there is no place for the cognizance of the Spiritual Court: And whether Allegiance be lawful, and may be professed, I hope is no Question which needs, or can come under Cognizance. Wherefore the *Major*, I am perswaded, ought not be admitted without better proof.

Yet though it were, I do not think any thing would come of it. In rigour I need say no more, the Argument being sufficiently answered, when one of the Premises is deni'd. But yet I cannot but ingenuously declare my thoughts, and say, that to my apprehension the *Minor* will not hold water neither. 'Tis this: *But it is unlawful to deny an exterior obedience to the Popes Prohibitions, in matters appertaining unto him, and no farther than they appertain unto him.* This Proposition, I conceive, is not true, because I think there goes more to obedience, than barely to consider to whom the Matter of the Command appertains. The *Manner* of Commanding, or applying the Command, is to be thought of as well as the *Matter* commanded; and the *Use of the Power*, as well as the *Power*. For to begin with the later, What if the Commander abuse his Power, and command things prejudicial, or possibly destructive? What if he command Vice, and forbid Vertue? If you say the Pope is still to be obey'd, because Vertue and Vice are matters properly appertaining to him; you open a gap to all the abuses to which the frailty of humane nature is subject, and plainly put it into the Power of one man (and who shall secure us, there shall never be found one wicked enough, to have the Will too?) to bring all into confusion and ruin. In short, You oblige us to what cannot be don, and which we are fore-warned not to do, no not by the Authority of an Angel from Heaven. I forbear to dilate this Topick, and give it that frightful face which it would have, if the number and weight of inconveniencies were particularly insisted on. Appeals *as from Abuse* are things so common, and so notorious, that I think this short hint is as much as needs to my purpose.

But yet it will not be amiss to look upon it with reference to our present case. The Pope has declared the Oath of Allegiance cannot be taken, as containing many things contrary to Faith and Salvation, and upon that score forbidden it. Suppose he had don quite contrary, declared the refusal of it contrary to Faith and Salvation, and therefore allow'd, or commanded it. I would ask this Gentleman, Whether he, who upon the warrant of that supposed declaration should take the Oath, would not do a thing contrary to Faith and Salvation, if the
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Oath indeed be, according to the *real* declaration, contrary to them? As likewise, whether he, who upon the warrant of the *real* declaration refuses the Oath, does not act contrary to both, if the refusal truly be, according to the *supposed* declaration, contrary to them? I think neither of these can be denied, since matters evidently are what they are, whatsoever be declared concerning them. Wherefore I see not but a case may possibly happen in which our Salvation may be prejudiced even by Obedience; and if it may, sure care ought to be taken that it be not. For to have so much care of Obedience, as to have none of Salvation, is what I cannot believe God expects at our hands. I conceive therefore it imports as much, in this power of the Keys, that they be turned the right way, as put into the right Lock. Otherwise insted of opening the Gates of Heaven, they may chance to double lock them.

I hope the Reader expects not I should digress into the examination of circumstances required to justify Disobedience. That Question concerns me not at present. For having only to do with the general Proposition, that Disobedience is unlawful, whenever the Matter appertains to the Commander, I conceive it is enough to shew the Proposition is not true, if it may happen that Obedience is not due; And 'tis plain, that Obedience is not due, if the Power of commanding be abused to the prejudice of Salvation. Who shall be Judge, whether it be or no? and the like matters concern me not, and require more exact treating than can be expected in a digression. I should think the Case must not need a Judge: Particulars certainly not being at liberty to obey or disobey, on pretence of their private Judgments.

Again, The *Manner* I said was to be considered as well as the *Matter*. For the Obedience due from Catholics to the Pope, is not altogether of the same nature with that which Religious perform to their Superiors. These inquire no farther than whether the thing commanded be truly commanded or no, and when they know their Superiors will, which way soever they come to know it, obey without more ado. 'Tis not so betwixt Catholics and the Pope. They obey him as a Magistrate, whose Commands, unless they come to them in a legal way, they neither do, nor are bound to take notice of. 'Tis not a bare knowledge of his will, how unquestionable and how undeniable soever it may be, which obliges to Obedience. People may, and often do, know very certainly of Decrees made by him; and know too,

that he intends, and declares by these Decrees to bind the whole Church, and yet regard them not; and this unblamably, till they be propos'd in that manner, in which the custom of *Christendom* requires they should be propos'd.

This consideration of the *Manner*, I suspect will seem slight enough to some who have not thought of it, and who perhaps will be apt to imagin, that, provided the Pope have commanded any thing; and we know he has don so, it matters not much which way we come by that knowledge. And yet all *Christendom* thinks it, and really it is a matter of great importance; so great, that, except in cases where Salvation is manifestly concerned, and which a body would think are known enough, not to need new Commands, The Pope can hardly make a Command, the good of obeying which can answer for the harm of obeying it, when unduly propos'd. For what counterfeiting of Bulls, and Letters, what cheats might not be put upon us at a distance, where people would rather chuse to accept of any thing at a venture, than run to *Rome* for more certain information?

But not to insist on this; it is a plain case, that what is to Edification in one place, may be to Destruction in another. Different Countrys have, and cannot but have different Exigencies. If the same Laws should oblige every where, some must of necessity be obliged to what is harmful for them. Wherefore we see the Providence of God has so ordered his Hierarchy, that particular Countrys have particular Ecclesiastical Governors of their own, who living upon the place know best what is convenient for it, and are oblig'd to a care of their charges by the account which they are to make to God for them. The Pope has power over the whole; but so that he exercises it not (except where he is both Bishop and Prince) but by means of this subordinate Ecclesiastical Authority. When he orders any thing, the Order is first brought to them. If they see fit they propose it to the people under their care; if they find it otherwise, they let it alone. Private men are guided by their determination; and what knowledge, or certainty soever they may otherwise have of the Popes Decrees, neither need, nor do take notice of them, till they be propos'd in a legal way by their own immediate Superiors. Thus has the Church been governed from the beginning of Christianity, and thus it is governed at this day. Who would go about to alter this course, would absolutely destroy the Hierarchy, introduce an Arbitrary Power, and set up an Uni-

Universal Bishop in that heretical sence which St. Gregory, in his contests with the Patriarch of *Constantinople*, so much abhorred, and so strongly opposed.

Besides, the intermediate Ecclesiastical Authority, without whose concurrence, and much less against it, the Popes Commands have no obliging force, there is also in Catholick Country's required the concurrence of the Civil. And this with great reason, and for the good even of the Church. For as Ecclesiasticks are supposed ignorant in the Art of Temporal Government, and what is necessary for the good of the Common-wealth, and besides are not exempt from humane frailties; They may happen, on both accounts, to order something prejudicial to Civil Government, without which nevertheless, as has been said before, the Church cannot stand. For this reason Ecclesiastical Decrees are communicated to the secular Magistrates, and till they get the *Placet*, or *Exequatur*, or *Verification*, or in whatever phrase they use to express their allowance, from them, no Decree of the Pope can be propos'd, and bind the people. I cannot answer my information of the state of *Christendom* is so exact, that there is no place wherein it is not otherwise; but sure I am, it is so in many. Our unhappy differences in Religion indeed make this impossible to be practis'd in *England*; yet these differences hinder none from owing as much subjection to the Civil Power, as if there were none, and as much duty, and sollicitude for the good of the Kingdom. Since we are not fortunate enough to be guided in these matters by open declarations of the pleasure of the Civil Power, as we otherwise would, and ought to be, our Consciences, I conceive, stand charged, to admit of no Ecclesiastical Commands which those Consciences tell us are against the good of the Kingdom. For whereas we have not the publick Judgment to direct us, there is no remedy, that I know, but to supply the defect as well as we can by our private one. And most evidently the Civil Government must be preserv'd entire; nor can any Ecclesiastical Authority oblige a man to any thing contrary to it.

To apply what has been said to our case: The Pope has declared the Oath of Allegiance contains things contrary to Faith and Salvation. In this we are firmly perswaded he is mistaken. Indeed while he declares not what these things are, we are left in the dark, and cannot tell whether the mistake be of *Fact*, or *Right*. If he thought his *Supremacy*, his power of *Excommunication*, or any other point of Faith

Faith is deni'd by the Oath, as was apprehended by the first writers against the Oath, and those at *Rome* too, who in likelihood best knew the Popes thoughts, 'tis a mistake of *Fact*: For not only no such thing is deni'd by the Oath, but particular care was taken there should not. If he thought his Deposing Power, the disbelief whereof is sworn by the Oath, a point of Faith, the mistake is in *Right*: That Doctrine being so far from Faith, that it has openly been declared *erroneous*, and *contrary to the Word of God*, by those whom all the World, and the Pope himself acknowledges for good Catholicks. But though it appear not which way he understood it, 'tis cleer he was mistaken either way.

Now, when the Pope uses his Power to propagate a mistake, and a mistake of this consequence, which would make us take for contrary to Faith that which is not so, I think there is a plain abuse of his Power, and which ought not to be obey'd. We are taught by a Master, in whom we are sure there was no mistake, that the Church has no power to *Destruction*, let the matter be what it will, *none against Truth, but for it*. What the Pope has declared is against Truth, and is to Destruction. For since Faith is the foundation of all Christian building, there can be no greater, nor more palpable destruction, than alteration of Faith. And to accept as contrary to Faith, what is not so, is plainly to alter Faith. It will not serve turn to say, that so we obey, we may believe what we will. For though in Metaphysical rigor, there be a difference betwixt *Obeying*, and *Believing*, and that difference be in some cases material enough; yet here, where we are therefore commanded to refuse the Oath, because it contains things contrary to Faith, to obey that Command is, in moral estimation, to acknowledge that in truth it does so. And this is plainly to acknowledge, that our Faith is other than it is. Scholastical distinctions will not carry it against common sense, which will undoubtedly judge those, who refuse the Oath on this account, do believe the Pope has power to Depose, and as Faith too, if not-deposing Doctrine be contrary to Faith. For as the World is now, there lies the whole stress. The other Question of *Fact*, which at first made some noise, being, since it has been better lookt into, quite silenced, and upon the matter yielded.

This being so, They would do well to consider what they do, who urge Obedience upon these terms: Go about to bring a new Faith into the Church, and which is more intolerable, a false one:

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Leave Catholics expos'd to the inexcusable shame of being blindly obliged to all commands, whether consistent, not only with civil Government, but even with Christianity, or no: Give the Adversaries of the Church a manifest and easie victory over her Advocates, unable to defend either Her or Themselves. Without more ado, it is to ruin the Church, to set open the Gates of Hell, and assist them to, what shall never be, their prevailing against her. And these are the consequences of an undiscerning Obedience to all the Popes commands, even in matters appertaining to him. When people are gravely and emphatically exhorted to be humble and obedient, not to trust to their deceitful Judgments, to sacrifice the noblest of their faculties, their Will, to hearken to the voice of their supreme Pastor, with the rest of those specious Topicks which may easily be assembled, it works wonderfully with pious souls. But if these fine pretences lead us at last to destroy Faith and the Church, God preserve me from so mistaken a piety. I think all the World agrees there is no obedience due to *Clave erranté*, and I am sure the same Apostle who has taught us there is no power in the Church against Truth, and to Destruction, has pronounced an Anathema even to an Angel from Heav'n, if he should teach otherwise.

The next thing to be considered is, How the *Breves* in question have come to our knowledge. And it is plain they have not been so proposed, as according to the practice of *Christendom*, they should, to become binding. All has past in a private way, by private intelligence, private discourses and letters of private men, without the interposition of any publick Authority to apply the Popes Authority to us. Who thinks this sufficient to oblige us to obedience, should do well to reflect on the ruinous confusion such an obligation would bring into the Church, which I have briefly toucht before. If you say *this cannot be don, because since our unhappy differences in Religion, we have no publick Ecclesiastical Authority among us, and therefore we must be content with such knowledge as we can have.* This, insted of concluding we ought to obey these *Breves*, concludes rather we cannot be obliged to obey any. For which way soever it happens that the Popes commands are not legally intimated, whether by misfortune, or fault, or what accident you will, still it remains, *no legal intimation, no necessity of Obedience.*

That those who are not of our Communion should fancy strange things of our subjection to the Pope, and think his word passes for Law among

among us without more ado, I wonder not; Few live in Catholick Country, and fewer mind what passes there. Their mistakes, almost in all that concerns us, are so frequent, that there is no room for marvel. But that those who have lived perhaps a good part of their time amongst Catholicks, and cannot but take notice of what is daily presented to their eyes, should have the like conceits, is very strange. It seems as if they fanci'd the World a Monastery, and the Pope Father Prior, and no more in the business, but *Say and Do*. Alas! there is no such matter. Our obedience to the Pope is very different from Monastical. A Canonical obedience we owe him, a submission to his commands legally intimated. This legal intimation implies the concurrence of the intermediate, subordinate, Ecclesiastical Authority, and the Civil too, where that is concerned; and where it can be had, which because here it cannot, we must of necessity take upon us a little more than would be fit in other circumstances; and remembering we are accountable to God for any harm which befalls our Country by our means, use our best judgments to keep our accounts clear. More obedience than this I do not think any Catholick owes, nor any Country, out of his own Territories, pays.

It would be somewhat a surprizing thing, if the Popes Authority should become greater in *England*, by the change of Religion. People, I hope, will have some more love to their Country than to make that unhappiness the step to another, by bringing it into an Arbitrary subjection, such as was not acknowledged in Catholick times, and is not acknowledged in any Catholick Country besides, and which, if it were, would be the ruin of the Hierarchy. For my part I do not see how the Popes Commands can oblige those who have no immediate Ecclesiastical Superiors, otherwise than in vertue of the good of the thing commanded, of which those deprive themselves who refuse to obey the command. Otherwise, when the frame of Government is taken away, 'tis, I think, as 'twas before it was settled. Things are in a kind of state of Nature, where Reason is the only guide. This indeed will teach them to obey any thing beneficial to themselves, and not prejudicial to their Country, and the Civil Government. That being safe, which no Ecclesiastical Authority can violate, whatever contributes to a conformity of manners, and discipline, as much as the state of things will bear, with the rest of *Christendom*, with whom they hold communion in Faith, is undoubtedly to be desired and embraced. But how he can govern by way of Authority, where that

Autho-

Authority cannot be duly appli'd, I can no more understand, than how fire can burn the wood which it never comes neer. Where He would govern in that manner, He should provide subordinate Pastors, by whose means and assistance He may govern. Difference of Religion is no bar to this. For Ecclesiastical Discipline has been preserv'd, and as good, if not better, Laws made under Persecution, as since; Persecution much more severe than, thanks be to God, has been, or is likely to be in so merciful a Climate as *England*. To go about it otherwise, is, I think, to go to work without Tools.

But to let this pass, and return to the necessity of Publication; who thinks the Popes commands oblige to obedience without it, when it cannot be had, let him tell me, why the *Venetians* pleaded against the Popes Interdict, that it was not publisht, when themselves had hindred the Publishing? Let him tell me, why the *Enactive* part, as he calls it, of the Council of *Trent* obliges not us, or the *French* who will not publish it. For the difference between *Enactive* and *Declarative*, of which he afterwards speaks, hinders not the matter enacted from appertaining to the Council. I hope a Pope and a General Council are something more than a Pope alone. What they have enacted is known with as much certainty at least, as that the Pope has forbid the Oath of Allegiance. And yet because that knowledge is not come in a legal way, by which way it is impossible it should come when people will not, or cannot publish what is enacted, no body thinks their Decrees obliging, no not this Gentleman himself, who makes this Argument. How we should come to be obliged by the unpublisht Breves of a Pope, who are not obliged by the unpublisht Decrees of a General Council confirm'd by the Pope, requires, I think, a very strong passion against the Oath of Allegiance to unriddle.

And yet, though this be abundantly sufficient, there is something more in the case. Bare want of due publication for want of due Authority is not all. There was plain refusal of publication by such Authority as was. At that time there was an Arch-Priest here, one *wel's an-Blackwel*; To whom the first Breve which forbid the Oath was sent. *swers up-Blackwel* would not publish it, and though challenged both at home *on sundry* and from abroad, and greatly blamed for his pains, yet persisted in his *Exam-*resolution, and could not be brought to it. Letters were contrived *nations.* and sent abroad in his name to that purpose, (For the importance of *Exam. 5.* publication it seems was well enough understood.) But he disowned, *July 2.*

and declared them counterfeit. On the contrary, he both took the Oath himself, and by Letters to his Assistants, perswaded them to follow his example, and also to instruct the Laity to do so too. The second Breve came a while after, but not to him. This made no change in him. For he writ again both to the Clergy and Laity, repeating his former Admonitions. And this is what was don at that time. Nothing has been don since, that I know, by any who have had any pretence of Authority here.

Wherefore it is plain these *Breves* have not the force which they might have had even in the present state of things. Had those, who have that superiority which is among us, concurred with the Pope, and required obedience to his *Breves*, the Topick would have appeared a little more specious. But while that is wanting, it is very unreasonable to exact obedience upon the score of Authority, when there is not so much as Ecclesiastical Authority enough to require it. And when there is, it will be as unreasonable to follow Ecclesiastical Authority *Clave errante*, against the commands, and to the prejudice of the Civil Power. However, we ought at least be let alone till that day come, there being no colour to insist upon Ecclesiastical Authority, when it is not appli'd to us as it ought, and might be even in our unhappy circumstances, and as actually it is appli'd when it does any thing with us. We observe Holy days according to a Constitution not long since made at *Rome*, of which had it not been as authoritatively, as it could be, recommended at home, no body needed, and I believe few would have taken notice. In short, to perswade us that a Bul, or Breve from *Rome*, no otherwise intimated to us than by the private assurance which private men give of them, oblige us to observe whatever they order, is, under the specious pretext of obedience, to put a yoke upon our necks, which neither our Fathers have been, nor we are able to bear; to alter the Government of the Church continued from the beginning of Christianity to this day; and which I see not how he can be either good Patriot, or good Christian, who obstinately insists on.

What I have alledged is, I think, no news to any body. Yet perhaps it may not be amiss, by a fresh Example or two, to shew, that Catholics actually do proceed, as I have said. And I will chuse them from those very Popes whom this Gentleman has alledged. The first is *Paul V*, who when he sent his first Breve hither, was in the height of his famous contest with the *Venesians*. That Quarrel
in

in short was this. The *Venetians* had made, or renewed certain Laws, *Historia* which the Pope judged contrary to Ecclesiastical immunity, and pro- *partico-*ceeded by way of Justice against two of the Clergy, whom he pre- *lars delle*-tended not subject to the Civil Power, and only accountable to the *Cose pas-*Ecclesiastical. The Pope sent Breves to them, as he did to us, in *sate tra'l* which he declared, according to the stile used with us, that the matters *S P. Pac-*aforsaid, as being to the damnation of their Souls, scandal of many, *lo V. e la* and contrary to Ecclesiastical liberty, were null and invalid; Admo- *Seren.* nishes them to consider the danger of their Souls, and under Excom- *Rep. di* munication commands the Laws to be recalled, and cancelled, and the *Venetia.* Prisoners delivered up to his Nuncio, threatening also to proceed farther in case of disobedience.

This, upon the matter, is our very case; save that with the *Venetians* The Pope proceeded something more severely, joyning actual Excommunication, and farther threats to the disobeying his commands. Otherwise there are Breves in both cases, and from the same Pope, and those Declaratory, and in matters, which according to this Gentleman, appertain to him, the salvation of Souls, and Ecclesiastical liberty. Notwithstanding the *Venetians* did not obey them, and, the Pope proceeding to Interdict their Country, suffered not that Sentence to be publish'd, and continued the usual publick exercises of Religion. It was feared the business might have come to Arms; but ended in a Treaty; by which the *Venetians* delivering up the Prisoners to the *French* Embassador, in gratification of his King, and with a protestation of preserving their right to judge Ecclesiastical persons, were without more ado re-admitted to their usual good correspondence with the Pope, though positively refusing to accept of Absolution, or so much as a solemn Apostolical Benediction, for fear it might shew like one. Here, I think, was plain denial of External Obedience to the Commands of the Pope, in matters, according to this Gentleman, appertaining to him, and no farther than they appertained to him; and this in the face of *Chriftendom*, and by persons, who, when the heat was a little over, were by the same Pope, who commanded both them and us, acknowledged for very good Catholicks, and by all the World besides.

Urban VIII, the other Pope mentioned by this Gentleman, had a *Mercu-*difference with the Duke of *Parma*, a feudatory of the See of *Rome*, *rio di D.* which, after some monitories not obey'd, came to an Excommunica- *Victorio* tion, and 'twas expected an Interdict would follow. The Duke, *jea-Siri Tom.*

lous what the Regulars might do in such an occasion, sent the For-
 eigners out of his Countrys; and signif'd to his own Subjects, that
 such a Sentence being feared, those who were perswaded they were
 obliged to obey it, should have free liberty to depart, before the Sen-
 tence were issued; but if they staid till it came out, They should be
 punisht if they obeyd it. They all promist, and that in writing, he
 not being content with bare words, to stand faithfully by him. Only
 the Jesuites, for the example they had given at *Venice*, were not cal-
 led with the rest. They apprehending the consequence of this singu-
 larity, made an address of themselves, and expressing much trouble
 for having been past by, made a voluntary protestation of continuing
 firm to the Interest of the Duke. And were afterwards observed to be
 the most eager of all in perswading the people not to value the Decrees
 of *Rome*.

It is true, this case is not altogether of the same nature with the
 former, the Quarrel being about temporal matters, and betwixt a
 Vassal and the supreme Lord. Notwithstanding when it came to Ex-
 communication, it was taken out of the hands of Temporal cogni-
 zance, and the Pope proceeded not as Lord, but as Pope, punishing
 the Sinner with the Spiritual sword, not the Vassal with the Temporal.
 And he, I suppose, in this Gentlemans opinion is to judge with
 which sword he ought to strike. However, the matter appertained to
 him one way or other; and here again was a denial of external obe-
 dience to his commands, abetted by all the Clergy of his Dominions,
 and the Jesuites most of all. It were easie to heap up multitudes of
 the like Instances; but I confine my self to the two Popes which were
 concern'd in the Oath of Allegiance. This Gentleman shall, if he
 please, tie us to no stricter rules of obedience, than are acknowledged
 in other places, and permit his native Country to enjoy a freedom
 unblamable even in *Italy* it self. In the mean time, upon the war-
 rant of the Jesuites of *Parma*, and all *Christendom* besides, I likewise
 deny the Minor of his Argument, conceiving it appears very plainly
 that it is not always, nor particularly in our case, *unlawful to deny an*
exterior obedience to the Popes Prohibitions in matters appertaining unto
him, and no farther than they appertain unto him. Sure he must have
 a strange pique to the Oath of Allegiance, with whom an Argument
 against it will relish, where nothing assumed is true. For neither does
 the matter of it appertain to the Pope, nor if it did, were obedience
 due to the Breves insisted on.

I fear I shall be thought to have dwelt too long upon this Argument; and yet in the variety of matter, which the subject offered to my thoughts, I have left more than I have taken, and perhaps better.

We next meet with Answers to such Objections as the Author thought fit to make against himself; with which to meddle at all perhaps is more than needs. For since the Argument, by which he undertook to prove the Oath unlawful, is answered, there is no necessity to examine how he has behaved himself in answering the Arguments of others. Nevertheless, because diverse things are woven into his discourse, which seem to have some force, and may be thought to have more, if they be balkt, I will not, to save a little pains, give occasion of saying, that any thing which is considerable is dissembled.

Numb. 5. He objects against the Breves, *That they are of no force in England, without the Kings approbation, according to Statutes made in Catholick times.* This Objection reaches not the case. The Breves want not only Civil, but Ecclesiastical approbation too, and would be of no force though they had it, since they are prejudicial to Civil Government, which no Ecclesiastical Authority can infringe. Besides, the liberty of Nations does not depend on Laws. They have it from Nature, before and without Laws. Every Nation united into a Government, has power to preserve that Government. Neither are the Laws alone to be considered, which they make upon occasion to secure their Liberties, but the power they have to make such Laws, and add, and alter as they see fit. I conceive therefore the Freedom of *England* is not to be determined barely by the words of Statutes. While it remains a Nation united into a Politick Government, it is, and must be free from all obligation of submitting to any thing contrary to the good of the Common-wealth. Those Statutes did not create the freedom of *England*. They were only an exercise of it, and the same freedom which was used in making those Statutes, may be used in making others. Though none at all had been made, the Liberties of a free Nation cannot be denyd her. I think it then very little to purpose, to amuse our selves with examining whether the words of Statutes be expresse to the point or no, while he is neither good *English*-man, nor good man, who receives any thing prejudicial to the good of his Country, or acknowledges a Power which can oblige him to do so.

Wherefore leaving him the satisfaction of expounding the Statutes

as he pleases, in which yet I suspect few of those, whose trade it is to expound them, will agree with him; and reserving the slight account he makes of forbearing the Oath, (as if it were a matter of nothing to refuse to give assurance of Allegiance) to the place in which he promises it shall appear: I shall only stop at the Second Answer which N. 7. he gives to the Statutes, *viz.* That *they are to be understood of Breves Enactive, but not of Breves Declarative.* Enactive Breves he calls those, whereby some new thing is ordained, relating to the external Government of the Church: Declarative, whereby a Doctrine is declared false, or action sinful.

This, as I formerly hinted, unsays all that was said before. For since the Breves do not *make*, but only *declare* the Oath unlawful, the Unlawfulness of the Oath is not to be taken from the Breves, but from that unlawful thing, whatever it be, which is declared by the Breves, and the Argument is out of dores. The truth is, we run round. People ask, *Why the Oath of Allegiance may not be taken?* This Gentleman undertakes their satisfaction, and answers, because it is unlawful. *Why unlawful?* because forbidden. But *why is it unlawful not to observe that Prohibition?* because the thing forbid is unlawful, and only declared to be so by the prohibition. And thus we dance in a circle. All this might have been said plainer, and shorter, The Oath is unlawful, because it is unlawful. For if it be unlawful, because forbid, and forbid because unlawful, as evidently as can be, 'Tis unlawful, because 'tis unlawful. However, because this Allegation, as ill as it agrees with its fellows, may yet be thought to have some force in it self, it will not be amiss to spend a little time upon it.

In the first place I would gladly know, what unlawfulness that is, which there was in the Oath for the Breves to declare, and which they have declared. This Author when he was upon the point, and had made it his business to shew it, either could not find, or at least thought not fit to mention any other Unlawfulness, than that of Disobedience. Now it seems that's not the thing; there is an unlawfulness antecedent to the Prohibition, which the Breves only have declared. Why then, in behalf of those for whose satisfaction he professes to write, I intreat him to shew us this Unlawfulness, because This, and This alone will be to our satisfaction. For every body is satisfi'd that unlawful things are not to be don; but every body is not satisfi'd, that all Breves are to be obeyd. On the contrary, the World is generally agreed,

agreed, that Breves are not to be obeyd, but in circumstances which want in our case. But till this be don, people will always remain unsatisfi'd, because if after so much time, and so much earnestness used in this business, no such thing do appear, there will be reason to believe there is no such thing which can appear, and that there was a mistake in the Breves, and the Declaration not warranted by Truth. As the temper of the World is, I doubt people will not be overmuch satisfi'd with these, who would inforce obedience to such Declarations. Had this Gentleman thought he could have discovered this secret, I see no reason in the World he had to keep it a secret, and amuse himself and us with topicks more subject to dispute than the matter which he would clear by them, and in which too he has the consent of *Christendom* against him. At least, methinks, he has no reason to say there is something unlawful in the Oath, which is not only declared by the Breves, unless he could tell us what this something is.

In the next place I would fain understand what privilege *Declarative* Breves have beyond *Enative*, and what greater necessity of obedience they carry with them. Either this Gentleman, or *Witbrington* are much out. For *Witbrington* tells us these Breves are not to be obeyd, for this very reason, because they are Declarative, and pretends to gather his conclusion from the Doctrin of *Suarez*. It should seem by this Gentleman, that they are to be obeyd for the same reason, because they are Declarative. It is something odd that the *Yes* and the *No*, should both be pretended from the same single Term, *Declarative*. But, I think, this is not the only thing in which these two Authors disagree. We shall see what *Witbrington* has to say for himself by and by. In the mean time I would weigh the reason which this Gentleman has, for what he says, if I could find any. For he barely tells us, that the Statutes are not to be understood of Declarative Breves, and that these Breves are Declarative, and then leaves us to imagine there is something of importance in this *Declarative*, which we may find out of our selves if we can; for we have no assistance from him.

For my part, if a Declarative Breve signifie barely, as he says it does, a Breve which declares concerning a Doctrin or Action, I cannot imagine what other obedience can be given to it, than submission of the Understanding, and believing the Doctrin or Action to be as is declared. Now Obedience, I had thought, belongs to Action, and

and relates to the Will, not Understanding. Or if he will have Obedience in the Understanding, it is certainly an interior Obedience, which if he require, I know not wherefore he talks of exterior Obedience all along. And yet his Instance from the Council of *Trent*, shews as if he expected we should believe the Pope, as we do the Council. But I had thought, the case had been something different betwixt a Canon of a general Council, and a Breve of a Pope, even Declarative. We receive the declarative part of the Council of *Trent*, because the Faith written in our hearts before the Council, bears witness to it, and because there needs no new Authority to oblige us to hold and profess our Faith, which is commanded by an Authority superior to all other, the Authority of Christ himself. And because general Councils cannot be supposed to swerve from this Faith, we have the same obligation to receive what they declare concerning Faith, which we have to profess our Faith. Otherwise in matters which have no necessary connexion with it, we make as bold with a Council as the Pope, as this Gentleman acknowledges in the Instance. Wherefore unless he will maintain Inerrability in the Pope as well as Councils, I see not how our receiving the Declarative part of the Council of *Trent*, infers Obedience to Declarative Breves.

The more I reflect, the less I understand how *Declarative* Breves come to be more efficacious than *Enactive*. Since *Declaration* imports a clearing of something, these *Breves*, to deserve the name of *Declarative*, should clear something, which *Enactive* do not, by which clearing they come to have more force. What may it be which these *Breves* have cleared? If you say the Popes judgment; you make no difference betwixt them and *Enactive*. For in these too the Popes judgment is clear, and so all *Breves* would be *Declarative*. But the Popes judgment being one thing, that of which he judges another, one would expect by a Declaration, that the thing of which he judges, and which he declares, should be made clear. That which he has declared here is, That *there are many things in the Oath contrary to Faith and Salvation*. Many is plainly a multitude of Ones, so that some One must be contrary, if many be. Notwithstanding this Declaration, and the Popes Judgment, it is so far from clear, that any one is contrary, that there is no Proposition in the whole Oath, which we may not, according to this Gentleman, unblamably hold and maintain. This I gather from his permission, *Num.* 80. to hold and maintain the *French* Doctrine, that the Pope has no power to depose Kings:

Kings: because the reason he gives for this fits all the rest; and because the Author of the first Treatise says, That if this be not one, there are not *Multa* in the Oath, to which the Popes censure is possibly applicable. Now would I fain know how it can be clear that the whole is naught, when it is not clear but every part of that whole is good. This is rather inextricable confusion than clearing, and I should think the direct contrary follows from what this Gentleman pretends. For since, according to his second thoughts (for his Argument went quite another way) our obligation of obedience depends upon the Declarative vertue of the *Breves*, and we are bound to obey only where there is clearing; where there is no clearing, as here there is not, we are not bound to obey. If he will say we are bound, because the Popes judgment is clear, then we are always bound, in *Enactives* as well as *Declaratives*, and the distinction between them is frivolous, as to the obligation of obedience. Only it seems to follow from meer Power in *Enactives*, and from Infallibility in *Declaratives*.

For the truth is, the Popes Infallibility lies at the bottom of all these kind of discourses. People are sometimes shy to acknowledge it, because it relishes not well, as being a point unmaintainable in it self, and pernicious and destructive to the Church, by bringing in a new Rule of Faith, and that even to the abettors, *Incertain*; in the judgment of others, *False*. But yet there is nothing to be don without it. For if the Pope may be mistaken, there is no necessity that every body should be oblig'd to be mistaken for company. However, I conceive it unnecessary to speak to that point, while this Gentleman expressly waves it by insisting only on exterior obedience; and besides by allowing us to hold and maintain the contrary of what we conceive is declared. When he thinks it fit to put it upon that Issue, we shall see what proofs he will bring; in the mean time there is no reason, that I perceive, for the efficacy which he would persuade us there is in Declarative *Breves*, but that, (which whether he will insist on hereafter, I know not) at present he thought it better to give none at all.

Wisbrington, for his part, discourses in this manner: He borrows from *Suarez* the notions of *Constitutive* and *Declarative* Precepts, understanding by the former, such which create a new Right, or Rule of action, and making what they forbid unlawful in vertue of that Prohibition, and which before was lawful: by the latter, such which do not make, but suppose the thing forbid unlawful in vertue of a

former Law, confirm'd and declared by the new Precept. Wherefore unless there were a former Law, and an obligation in virtue of it, He gathers there can be none from the new; it being the nature of a Declarative Precept, not to indure a new Right, or Rule of action, but purely to declare the old. Now the Pope declaring there are many things in the Oath contrary to Faith and Salvation, and for that reason forbidding the Oath, the obligation to obey this Prohibition, depends on the truth of the declaration. If the Oath be indeed contrary to Salvation, people are obliged to refuse it, in virtue of that contrariety, though no Declaration, or new Prohibition had been made. If it be not, the Declaration is null, and no body obliged by it. Thus does *Witbrington* endeavor to shew the Breves are not obliging, for the very reason for which this Gentleman would make us believe they are, because they are Declarative; with this advantage in the contest, that at least he gives a reason for what he says.

In what he says N. 8. That it cannot prudently be thought the Statutes, he mentions, were intended by the Catholicks who made them, for such times as ours; I conceive, he is in the right, because, I conceive, they never thought of such times; or if they did, had more prudence than to think their Laws would signify much in them. But I see not what 'tis to purpose, since the liberty of Nations depends not on Statutes, but on that Power which makes Statutes. Neither can I apprehend what service he will draw from the case he puts. For since Obedience in circumstances is, by his supposition, not required by Law, there can be nothing but Reason which obliges the Subject to it, and shews him it is his duty in that case to proceed without Law. And so we may and do obey the Pope in what Reason shews us is our good; but can have no legally authoritative obligation, or necessity of implicate obedience put upon us, where the frame of legal Government is broken.

This consideration unriddles what follows in the two next Numbers. We may undoubtedly receive from the Pope any thing to our advantage, and no disadvantage of any body else, nor can any Laws hinder us from doing our selves all the good we can. So we preserve that intercourse with him which is necessary for our Spiritual concerns, not purely in virtue of a necessary obedience to what comes from him, but because what comes is beneficial, and we should deprive our selves of that benefit, by rejecting all things. But because out of the force of Reason we accept what is advantageous to our selves, and not prejudicial

dicial to our Country, it follows not we can have things put upon us disadvantageous to our selves, and prejudicial to our Country; or that by the loss of Religion we have lost the freedom of a Nation, and all power of judging whether what comes from him be for our good or no.

For what is said N. 11. of the difference betwixt a Prince in, and out of communion with the Pope: It is true, we have the misfortune to want that publick rule of our Actions, which those have, who live under Princes of the same communion. For the judgment of those who are entrusted with the care of the common good, ought to guide those Subjects who can have notice of it, and who are to examin no farther whether the Popes Orders be fit or unfit, than that they are approved or disapproved by them. But where that cannot be had, there remains nothing, that I know, but to supply that misfortune by a greater diligence, and when any thing comes which is against the good of our Country, to remember we must answer to God if we contribute to the harm of our Country; and that our fault is the more unexcusable, since there is no obligatory Authority on which we can discharge our Consciences. For my part, I think, the going about to subject our Country to an unexamining necessity of Obedience to whatever Commands come from Rome, a very great inconvenience to it, and such a one as, however others may satisfie their Consciences, I should be sorry should be found in my Accounts at the last day.

I would not meddle with what he says in the last place about Excommunication, since he confesses himself, that care was taken it should be no part of the case, and content my self with praising the Acuteness with which he concludes, if it did not embroyl the matter, and go about to persuade us, as if submission of the offender to Excommunication either were, or at least were thought necessary by somebody to the validity of it. That I believe is a conceit which has not entered into many heads, and the truth of the business, I take, to be this: The Pope may Excommunicate any Christian, even a King, since the condescendence of K. James suffered not the Law to forbid us to say so.

If he Excommunicate a Subject for discharge of his duty in cases mentioned by the Statute, this Excommunication is by the Statute said to be against the rights of the Crown. In which it speaks with more reserve than the French, who bluntly say, the Pope cannot Ex-

Ne peut aussi (le Pape) excommunier les Officiers du Roy, pour ce qui concerne l'exercice de leurs charges & Offices, &c. Libertez de l'Eglise Gallicane, par M. Patisson.

communicate the Kings Officers, for what concerns their charges. Wherefore if an Excommunication come against a Subject, I conceive this Statute warrants the examination of it, and if it be found against it, the suppression. If it be against the King himself, 'tis to be considered, whether he deserve it, or no.

This too is said by the French: *Quelques monitions, Excommunications ou Interdictions qu'il puisse faire, les Sujets du Roy ne doivent laisser de rendre au Roy l'Obeissance due pour le Temporel, & n'en peuvent estre dispensés ny absous par le Pape.* Ibid.

If He do, I conceive it will have its Spiritual effect independent of his submission to it, but it will have no Temporal effect to the prejudice of his Temporal rights, and the duty of his Subjects. They may indeed, and ought consider what place there is for the observance of the Rules laid down in Scripture in such cases, and contribute as much as they can to the end aim'd at by the Scripture, *ut spiritus*

salvus fiat in die Domini, but failing in any part of Allegiance is no Way to this, nor any way allowable. If He deserve it not, it will have no effect, nor ought be regarded by himself or any body else. Whether he do or no, in the extraordinary case of difference betwixt the two Supreme Powers, I know no rule to judge by but Truth, which people must come by as well as they can, when the ordinary way is stopt up.

N. 13. He blends several matters into one Objection, some to purpose, and some not. I know not what our Question has to do with the superiority of Popes, or General Councils. Only where he would have us, N. 14. *bound to submit to the Popes Ordinances till the contrary be defin'd by a General Council*, it is true only where those Ordinances are so proposed as is necessary to bind us. No Council, nor Father recommend Obedience otherwise, nor does the Christian World practise or acknowledge any other. Again, when he says, N. 15. *That the Reasons one may seem to have against the Popes Decrees out of Council, cannot justify refusing exterior compliance with them, but only may give ground to make addresses*, I conceive he indulges a little too much to his fancy, speaking more according to what he apprehends should be, than what is. For people use not to obey, as long as they think they have reason on their sides; and to expect they should do otherwise, is to expect they should act against their Reason.

Alex. 3. *ad Archiep. Ravenn. c. 5.* And this is both a judged case by the practise of the Christian World, and has the warrant of an express Text in the Canon Law. *Aut mandatum nostrum reverenter adimpleas, aut per literas tuas, quare adimplere*

plere non possis, rationabilem causam prætendas. So that even the pretence of a reason is an excuse for disobedience by the very letter of the Law.

I conceive also, the Questions of the Fallibility of the Pope, and Infallibility of Councils, concern us not much. He is in the right, when he denies Infallibility is necessary in Superiors to bind their Subjects to Obedience; nor is it want of that, but want of due circumstances in which the Pope can exercise his superiority, which renders his Breves efficacious. Infallibility indeed is necessary to oblige us to inward assent, and when he strains upon the Declarative virtue of his Breves, and makes them purely Declarative without insisting on, or mentioning the annexed Command, he drives it to inward assent, how much soever he disclaim it elsewhere. Otherwise, when we see Laws changed every day, and sometimes with no change of circumstances, I cannot perceive any ground to require Infallibility in Law-makers.

Concerning the Popes capacity of being misinformed, and the pretended mistakes in this matter, he says, N. 8. That if after so much time, and so much diligence as the Pope assures us he has used, such pretences be allowable, all Decrees whether Ecclesiastical or Civil might be rejected upon the like. To deal ingenuously, I should be of his mind, if there were nothing but pretence of misinformation in the case; I mean of what was said or don on both sides. But, I conceive, whether his information in these matters were right or wrong, he is not to be obeyd, for reasons which I have mentioned too often to need repeating.

I conceive also, that the Pope was not rightly inform'd of the merits of the cause, and that we are not bound to take his word, though he say he was, which I do not know he has. As much and as materially as this Gentleman says *Witbrington* has writ, I do not think he will become surety for the Pope, that he ever read any of his Books. At least, for my part, I do not think he has leisure to read one Book of a hundred even of those which are dedicated to him. Those who did read *Witbrington*, in all likelihood informed the Pope, according to the Ideas which they framed themselves. What these are we see in their Writings; if I could think them true, I had not now been answering this Treatise. If he was inform'd by them, and by whom else he should be inform'd, I know not, I must needs think he was misinformed, and perswaded to take that for Truth, which was not.

And

And so must every body think, whose judgment cannot acquiesce in his Declaration; nor is there any possible way to take this flea out of our ears, but to shew us which those many things are, which according to his Declaration, are contrary to Faith and Salvation. For while we are perswaded there are neither many, nor one, it is not possible but we must be perswaded he was misinformed, who says there are. This, if this Gentleman please to do, he may prevail to have it thought there was no misinformation or mistake in the case: but to leave this plain and easie way (for what can be easier than to assign one of many) and think to aw people out of their judgments by a reverend shadow of Authority, is to shew a great deal of good will to have the work don, and bring no tools to do it. It is in short to say; My Masters! pray do as I would have you, though I cannot, or will not, tell you why you should.

The substance of the 19. Consideration belongs to the *Major* of his Argument, and has already been spoken to. In this place it will be enough to observe, that as it does belong to the Pope to determin of matters concerning Faith and Salvation, so it belongs to him also to determin rightly, and does not belong to him to oblige all the World, purely in vertue of his determinations, to accept of them whether right or wrong. In two words, this exterior compliance (the soft gentile phrase into which he has shifted the more rugged term Obedience) which he requires, must either be due upon the same score of *Authority*, or *Reason*, or *Infalibility*. If Obedience be urged to *Authority*, as to a Magistrate whose Commands, even, though unfit, are often to be obeyd for the good of Government: This plainly requires the circumstances of a Magistrate, that there be a settled frame of Government, for whose sake we should obey. All the Pope does in the Church is by moving the several wheels which make up the great Machine; where there are no wheels, how he can turn them, is for this Gentleman to make out. The Government of the Church requires subordinate, not only Ministers, but Governors, by whom the Pope may govern, and who so derive his Orders to the several parts, that they judge themselves whether they be to Edification *hic & nunc*, and refuse such as are not. Without this the Church would no longer be a Hierarchy, but a Despotical arbitrary disorder. If the pretence be from *Reason*, we shall gladly harken to any body who brings it; but hitherto our Reason tells us, that what is required, is against the rights of our Prince, and good of our Country, and ought not be obeyd,

obeyd, though both Ecclesiastical Powers should joyn to urge it. And for *Infallibility*, that requires more than exterior compliance, more than this Gentleman thinks to ask, and more than he would yet if he should.

The following Consideration justifies the contrivance of the Prohibition in gross, without descending to particulars, and this both by Reason and Example. The Reason, methinks, is pleasant. *It would not, he says, be Prudence to design always the particular Propositions for which a Pamphlet is forbidden, when they are scandalous and offensive.* If Prudence be not always so severe, why might it not have been a little indulgent in this particular, and treated the solemn Act of a Nation with some more condescendence than a Pamphlet? But to let this pass, what necessary point of Prudence obliged the Pope to leave us in the dark, and at liberty to hold and maintain a scandalous and offensive Proposition, not to be scandalous and offensive? For this we may do, according to this Gentleman, of every Proposition in the Oath. The worse the Proposition is, the more need, one would think, people have to be warned particularly of it, and the more care taken, that they mistake it not for a good one. Sure this might have been done without any great note of Impudence. Besides, how will this be applied to our case? Is there any thing so scandalous and offensive in the Oath, that Christian ears will not bear it out of the Oath? Every body sees all that is there, and more scandal than they have by that sight, they will not easily take by a new one. Some scandal, perhaps, might be avoided, if any body happen to mistake some Proposition for scandalous which is not; but how any should be given by being informed which in particular is scandalous, is past my imagination.

Nevertheless, He is in the right, that such Prohibitions are ordinary enough, and the custom is reasonable enough in many cases. A Book may be so bad, that to design all, would be to transcribe the whole Book. Particulars may otherwise be so known, that they need not be mentioned. But besides what may be alledged in this kind, where the Authority which forbids any thing is such, that Obedience is absolutely due to it, whether it assign any reason or no, bare signification of its pleasure serves turn without more ado. But the case is not so with the Pope out of his own Territories. In other places he can enforce nothing without their consent. And if they be prest to consent, and no body will tell them why they should, Obedience cannot well be

be expected, at least will be ill performed. For, I think, no Nation in *Christendom* obeys upon other terms. So that where the obligation of Obedience depends on the sight of what is scandalous and offensive, as in this it seems to do, to refuse to shew it, is to leave them at liberty to disobey.

Besides, when a Book is condemned in gross, the particulars for which it is condemn'd, are known to those who condemn it, unless they do they know not what; and so may be shewn if there be occasion. Unless, perhaps, it be condemn'd for treating of a forbidden subject, or coming out contrary to order, or such like respects not pertinent to our purpose. A body would think here is occasion enough: the importance of the thing, our duty to God and *Cæsar*, the satisfaction of so many consciences in so important a matter, and what else would readily occur to one who would stay to consider of it. In so long time, and after so earnest endeavors, as have been used to this purpose, nothing does appear. What can be thought but that there is nothing, and that there are no particulars worthy of condemnation, which make up this condemnation in gross.

By his 2.1 Consideration, it should seem the point of Excommunication is that which sticks with this Gentleman. If it be so, I wish he had made the most of it, and stood to it, that we might have seen the utmost, and either received or given satisfaction. By the short hints he gives, we may rather guess there is something which troubles him, than well understand what it is. But since it is not for me to manage his difficulty, I can only observe what he says. First he asks, *Whether to take the Oath, be not implicitly to deny the Pope has Power to Excommunicate an Heretical King*, and then presently waves the point, remembring, I suppose, that he had said a little before, that K. *James* would not suffer it to be put into the Oath. This, I think, is to put a scruple into our heads, and leave it there to work if it will. For barely to mention a thing of such importance, is enough to make us suspect there is some reason for it; else why should it be mention'd? And then to fly off, and say nothing to it, is not to shew much care of our satisfaction. All I can say, is, That there is no manner of ground for this surmise, and that, as he acknowledges, particular care was taken there should not. Could any thing be made of it, I suppose, he would not have left it so.

But he seems to stand to it, that the Oath denies an Excommunication of such a King would have those effects which are assigned in Scripture,
vix.

viz. to deprive him of all Civil communication with others, &c. And it is true, that the Oath does deny Excommunication would have any effect, with relation to our King, prejudicial to his Sovereignty, or the duty of his Subjects. But I did not expect this knot should be found in the Rush by him, who, if I mistake him not, offers as much to the full in this point, as the Oath requires. For he freely offers, *Num. 50.* to bear true Allegiance to his Majesty, &c. by whomsoever any thing be attempted against him, and under what pretence soever. I understand, and so, I think, does every body who reads this, since the Pope is one person who may attempt against the King, and Excommunication one pretence which may be made use of to such an attempt, that by this clause, Allegiance is secured against both. Which if it be, I see not how he can quarrel with the Oath for requiring that which he freely offers to do of himself.

As for what he argues from Scripture, I doubt all is to be understood of our own communion, where when any one falls into scandalous offences, and will not be reclaimed by fraternal Admonitions, we are taught to avoid his conversation, and by all our carriage, testify an aversion for his sin. And this for two reasons: That we be not infected our selves; and that the Offendor may be mended, and shamed into repentance. Yet this seems to be restrained to our own communion, The Apostle, *1 Cor. 5.* taking care they should not understand his Doctrine generally. I mean not, says he, *the Fornicators of this World: or the Covetous, &c. otherwise you should have gon out of this World: But if He that is named a Brother* be guilty, then not so much as to Eat with him. The World is by Interpreters understood in contradistinction to the Church. And so *Estius* gathers, that in Heretical Countrys the conversation of Hereticks is not to be avoided, farther than as the Law of Nature obliges us to preserve our selves as much as we can from hazard. And so I believe this Gentleman understands it: For sure he often says *Ave*, and eats with some who come under the heads mentioned in Scripture, and evidently he must, as the Apostle says, go out of the World to do otherwise.

If this be so, as, with submission to better Judgments, I conceive it is, there is no Use for this Doctrine in a communion settled into a stedy opposition of the Church, nor has it any thing to do with our case. But whether such a Communion be to be understood by the word *Mundus* or no, I see plainly, that carrying our selves towards sinners, as the Scripture directs, is quite a different thing from denying them what is their due. The Actions mentioned in Scripture are such as

are otherwise at our own choice. We may Salute, and Converse, and Eat with whom we please, and we may let any of them alone when and where we please. In Actions only of this nature we are directed to behave our selves as our own and our neighbours good requires; but that this Carriage should despend with Justice, there is no ground to imagin. For can we think the Apostle meant, if a Creditor of ours become a sinner, we must not therefore pay our debts, because he is not an honest man, turn dishonest for company, and make his sin a pretence to sin our selves? We are taught elsewhere, *to render all men their due, Tribute to whom Tribute, Custom to whom Custom, Fear to whom Fear, Honor to whom Honor.* Shall we believe all this is unsaid again in the places mentioned by this Gentleman? This too is spoken with relation to Princes, as certainly nothing can be more, nor so much, due to private men as Allegiance to them, because no private good can hold comparison with the good of the whole. Now a Prince is a Prince, whatever the man be: whether in, or out of communion of the Church, he is still Prince. And since 'tis to the Prince we ow Allegiance, I shall not be perswaded the Scripture warrants us to bate any thing of that debt, till I am perswaded that Scripture does or can contradict it self.

The truth is, I take the whole Objection for a slip of fancy, catching at any thing which seem'd to make against the Oath of Allegiance, and not much minding what would come of it. Otherwise this Gentleman sure does not mean all he says. For who believes indeed, that Excommunication deprives a Prince of all civil communication, even that which is necessary to exercise his Office of Prince, and will stand to it, that this is a kind of Deposing, (as is said here, and, as in truth it is, since a Prince cannot govern without civil communication, governing being a communicating his Orders) must also stand to it, that the Pope can Depose. Nothing is more evident than, that if Excommunicating and Deposing be all one, who can Excommunicate can Depose. Who believes this has indeed reason to check at the Oath of Allegiance; nor can I see, how he can satisfy his conscience, to profess Allegiance to such Princes, or which way hope to perform it. For some communication is certainly necessary for that purpose. If, perhaps, a formal sentence be thought necessary in his judgment, and so he can do well enough with his conscience while that is wanting; an Allegiance grounded on such a perswasion can last no longer than till the Sentence comes. And how soon he may be declared

to be out of communion, who already is so, who can tell? Neither, perhaps, is the formality of a sentence so very necessary. For what great need is there that a man who himself professes, and all the World knows, is not of such a Church, should with ceremony be declared not to be of it?

Yet I shall not press these consequences upon this Gentleman, because whatever be in his words, I hope there is no such thing in his meaning. Else sure he would not permit us to hold, that the Pope cannot Depose; and 'tis very certain he will not permit us to hold, that the Pope cannot Excommunicate. I shall only intreat him to suffer me to take the meaning of the Scripture from the Example of a great Saint, rather than his conjecture. Saint *Ambrose* had occasion to practise this Doctrine with the Emperor *Theodosius*, and he did practise it for as to obtain the end, *confound him into Repentance*, without disturbing his Authority or any exercise of it. I am of opinion, that who would hope for the same success, would do well to go the same way; other, I think, were neither meant by the Apostle, nor likely to do any good.

After all, when this Gentleman confesses, that *some Excommunicate persons are excepted from these effects, either by the Popes indulgence, or otherwise*. He says, I think, enough to answer the difficulty. Not to meddle with the Popes Indulgence, a head which affords matter enough of discourse to one who loved talking; Who can be meant by his *Otherwise*, if not Princes, on whom, if Excommunication should have the effects he mentions, there would remain no Subject to which the Pope could do good by Excommunication, or any thing else. For the Temporal Government preserves the matter, on which the Church can work, and Princes preserve Temporal Government. Put Excommunication to have effects destructive to the necessary Authority of Princes, and by it you destroy all the good the Church can do, by taking away the subject to which she should do good. For evidently to nothing, no good can be done. And so we see in Wars, and those confusions which attend the ruin of Common-wealths, there is no place for Ecclesiastical discipline, and the benefit to be had by it, the people by disjoynting the frame of secular Government, being rendered incapable of the spiritual. Wherefore, who ever else be meant by *Otherwise*, Princes are certainly excepted from these effects of Excommunication which this Gentleman, I conceive, rather fancies, than believes: And this by the exigence of Nature, and the good

of Mankind, and the necessity of a Subject for the Church to work upon, besides the express commands of God, without standing in need of the Popes Indulgence.

I pass by the 22. Consideration of the Popes being party in the debate, as an Objection which, leaving others to the liberty of their Judgments, I, for my part, think of little value. What he says in the next, of the Popes not proceeding according to the Canons, I do not well understand. If he mean of Canons prescribing what the Pope is to observe in order to his own resolution, He may have proceeded according to the Canons for ought I know. And because I know nothing to the contrary, I ought and do suppose he has, seeing that whether he have, or no, is little material. If he mean of Canons which prescribe what is necessary, that the World be obliged to obey what he has resolved, the proceeding in our case is not according to the Canons. For if the meaning of these Canons may be known by the practise of *Christendom*, which, I think, can neither be supposed universally ignorant of them, nor universally to contradict them, something is required by them to Obedience, which whether it *can* or no, most certainly *is* not found in our case. How much soever the Pope must be his own Judge, if he judge contrary to what all the World sees, all the World will see he is mistaken in his judgment. But pray where is this sufficient declaration he talks of, that the Pope has proceeded according to the Canons? I mean as is before explained. There is not a word in either *Breve* to that purpose, that I see. As far as I can understand, the *Breves* are not sufficient for that of which they do speak. How they should be sufficient for that of which they do not speak, is something harder to understand, unless a *Declaratory Breve* be all-sufficient, and can do every thing.

The 24. Consideration lays disturbance of the Church to the charge of the Defenders of the Oath, because if they would be quiet, we might live in peace. As if we should not live as much in peace if the Oppugners would be quiet. Why are not the Oppugners as great Disturbers as the Defenders? Because *the Oppugners have not printed any thing for a long time*. Is the Printer the only Disturber? 'Tis Opposition, I think, which makes, or is the Disturbance; and there needs no printing to make Opposition, as long as we can speak and write. Disturbances are something more ancient than Presses, in the World; could I hope they would cease together, I wish with all my heart the Trade were lost. In the mean time, I have not printed, I have only

Writ

writ what is printed, seems an odd ward to put by the thrust of Disturbance. These things which disturb me to answer, had never been printed sure, if they had never been written; nor can I think the hands which carri'd them to the Press, were the very first into which they came. I know not what more they can do, now they are printed, than they did before in Manuscript. If he who prints must be condemned, who writes will hardly scape altogether free.

I know not, but methinks the case is this: The Showr falls. Those who have Cloaks put them on, and keep themselves dry. Those who have none, and will get none, not to be out of fashion, would perswade the former to throw off their Cloaks, and be wet for company. And because they find them not altogether so great Courtiers, a little resty in that point, blame them for disturbance. As if another must needs be disturbed, because I wear such Cloaths as I have. And yet peradventure he has more reason, than who is disturbed because I follow my conscience. For this will never be out of fashion: Cloaths may.

But to leave Metaphors, and look upon things as they are; The Oath of Allegiance is cause of all. For I will go no higher, to search into the cause of the Oath, though I have no reason to fear an Inquisition. But to begin there: This Oath is not to be charged either upon the Oppugners or Defenders, as being Antecedent to both, and an Act of others, in which neither of us had any share. I, whose conscience is perswaded I lawfully may, go and take this Oath. Do I disturb any body by so doing? I do not perceive how any man can rationally be disturbed, because I obey the Law, when my conscience tells me, I may and ought. You call me Heretick for my pains, or Schismatick, or Disobedient. Truly I cannot help being disturb'd at this, and believe there are few honest men who can bear the imputation of a Knave without disturbance. I endeavor to free my self from this imputation, and make it appear I am not an Heretick, nor a Schismatick, nor Disobedient. And because I do so, you say I disturb the Church. This is just, The Child is beaten, and crys, and disturbs the House; and this disturbance must be imputed to the Child, because, if he would hold his peace, all would be quiet. And that is true; but who can expect a Child should not cry when he is beaten? Truly we Defenders are in a sad case, if we must be Hereticks if we hold our tongues, and Disturbers if we speak. But I shall never believe the Church is or can be disturbed by an unoffensive Defence. On the

contrary, I have a very wrong Idea of her, if she do not take it well, and is glad when any one can make out his Innocence: nay, though he could not, Endeavor to appear not-criminal will never pass with her for a crime. For the Oppugners, if their peaceable stars will not permit any disturbance should be attributed to them, I will not go about to cross their lucky influence. Let them satisfy their own consciences as well as they can. All I ask is, that they would leave us quiet in the satisfaction of ours.

But in reality, All depends on the Truth of the Question betwixt us, and the fight of that Truth. If the Oath be indeed unlawful, They are to blame who defend it: if lawful, They who oppugn it. If I be not an Heretick, he wrongs me who calls me so; nay, though I were, if he know not so much, he offends by laying to my charge what he cannot justify; and I too for being guilty of what might be justifi'd, by one that did know it. He that has right on his side, is only blameless. And that in truth is the only Question which is material. The rest is insignificant noise; All depends on, and stands or falls with it. 'Tis neither the Oppugners I, nor the Defenders No, which will or ought carry it. Those who can judge of what is alledged on both sides, and will take the pains, will decide the difference. And with them I leave it, peradventure more a Difference, than Disturbance, while things are managed as they may and ought. War is often necessary to Peace, among Scholars as well as Soldiers. As long as we truly aim at Peace, and make fair Wars, Scholars possibly may as unblamably talk, as Soldiers fight on both sides. But there are unlawful Arms in both Wars; a tongue may carry poyson as well as a bullet. Let the quarrel be never so good, this way of maintaing it is naught. If the Defenders be guilty of this kind of Disturbance, I have nothing to say in their defence; only I hope the World will not think they are. Neither shall I charge the Oppugners: on the contrary I must acknowledge these Gentlemen are fair Enemies. Let him who is guilty on either side bear his own sin, and till our differences can be ended, let both endeavor to manage them without disturbance.

The 25. Consideration tells us, the Pope ought not to refuse declaring an Action unlawful, when it is so, for fear of disturbance. Which is to say, that the Pope makes the disturbance, such as is, but has reason for it. Now, if he think it lies at the Popes dore, methinks he should not have laid it at the Defenders. Whether the Pope had reason

son or no, depends on what has been said already; by which, I hope, appears, there is no Unlawfulness in the Oath, the declaring against which can be a visible pretence for causing disturbance in the Church. For the rest, his Paralleling the Popes Breves, with the defining of Consubstantiality, and preaching of Christian Doctrine, shew as if he thought the Oath contained something like *Arianism*, or *Judaism*, or *Heathenism*. Which if he do, he has reason to dislike the Oath: but there was no reason to beat the bush for *Disobedience*, when there was more and better game afoot. If *Heretic* and *Idolatry* be in the case, or as bad, I wish he would speak out, that we may know, and avoid such hideous things. But I love not to be a Chapman where there are but half lights.

The 26th talks of an Intention to dispense in some cases, and not in others, in which though they would dispense, they cannot. Which, he says, is the Case of Declarative Decrees. And this is very true, if the Declarations be according to Truth. But if they be not, I do not know there needs any Dispensation to stick to Truth. As for this matter of Intentions, this Gentleman and I, have, I perceive, sentiments something different. As much as I thought necessary I have declared upon occasion. The rest concerns not our business, and needs not be mentioned.

The next Consideration undertakes to shew, That *what the Pope enjoins in his Breves, cannot be prejudicial to the Duty and Loyalty due to Sovereign Princes*. This is a Consideration of importance, and therefore, as long as it is, deserves to be fully weigh'd. And because it puts the business upon this Issue, whether prejudicial, or not prejudicial, I conceive it agrees, that if the Breves be found prejudicial, we ought not to take notice of them; as is said in the Objection.

He says then, That *the Popes, though as jealous of their Prerogatives as Kings, do not enjoyn us in these Breves to swear, that they have Authority to Depose Kings: nor forbid us to take other Oaths of Allegiance, as expressive as this, or more: nor to take the Clauses of this Oath, which manifestly contain no more than meer Civil Allegiance: nor so much as to give an interior Assent to the Reasons why they prohibit this Oath*. I would gladly know what all this is to purpose, and what it concerns us, who are inquiring whether what the Pope has don be prejudicial to our Sovereign or no, to be amused with what he has not don.

It is plain, the Pope and King may fall out. It is plain, the Pope in such a case may exercise a power which he thinks he has, and issue out a Sentence of Deposition against the King; nay, 'tis undeniable He has don so more than once since the days of *Henry 7*. It is possible also He may recur to the *Brachium seculare* for execution of that Sentence, and prosecute it both with foreign Arms, and as much Intestine force as he can get to joyn with him. If any of the Kings Subjects do joyn with him, (And they whose conscience cheats them into a persuasion, that they ought in such a case stand by the Pope, must fight either against their King or their Conscience) I should think they do the King some prejudice, unless it be none to be deserted by his Subjects in time of need. And if the Breves do contribute to this, all the Pope has not don, will not hinder what he has don from being very prejudicial.

Now the Breves which forbid the Oath of Allegiance, manifestly hinder the Kings Subjects from owning an obligation to stand by him in such a case; and that is manifestly to leave them at liberty to entertain a persuasion, if they please, that it is their obligation to stand by the Pope. But in reality they do much more; Cause a persuasion in them, that they ought to side with the Pope against the King. For whatever fancies may work on men of speculation, and how nicely soever they may distinguish betwixt *inward assent* and *outward compliance*, the plain-dealing World goes otherwise to work. Perswade them once, it is not lawful to swear the Pope has not power to Depose, and they will perswade themselves he has power to Depose. And when they have got this by the end; all the School subtilties in the World shall never make them believe otherwise, but that true obedience is due to true power; and therefore if the Pope have deposed, the King is not to be obeyd. They must needs then be perpetually solicited by their mistaken conscience, to withdraw their assistance from the King in such a case, and perhaps carry it to his Enemies. And this Conscience they owe to the Breves, and those who bear them in hand they ought to obeyd. Now a body would think it is prejudicial to a Prince to have Principles fosterd in his Subjects, which dispose them to refuse their service, when he has use of it, and take part against him, if they take any.

Were there no more than bare ignorance of the inclinations of his Subjects, it would be prejudice sufficient, and such as would leave a King but few quiet hours. For with what satisfaction can He either govern

govern, or live, who knows not in whom he may confide, and of whom he ought beware? I do not see how this inconvenience can be avoided, if the Breves must be obeyd. For if no body must swear that the Pope cannot Depose, for ought he can know, every body may think he can. At least, He cannot be secure of any one, that he shall be faithful when time is, because, for any thing He can tell, That one may be perswaded it is his duty to be otherwise. And so the King must of necessity live in a perpetual suspicion and diffidence of every body. Which if this Gentleman think no prejudice to a King, I suspect people will think him better vers'd in the Schools than World: If he do, he would have don well to have clear'd the Breves from contributing to these prejudices, and left the consideration of what is not, till there be occasion to speak of it.

This will not be shifted off by the Common Place of the security in which Catholick Princes live without such Oaths of Allegiance. For to say nothing of the difference betwixt Princes of the same, and a different communion from the Pope; and again of the same, and a different communion with their Subjects; it is plainly one thing for people to have no Oaths offered, and another to refuse them when they are. It is to be supposed those Princes understand their own business; and if they judge such Oaths needless, have reason to judge so. Whether they have or no, concerns not us. Our Princes are to be supposed to understand their own business too, and since they have judged such an Oath needful, it imports us nothing that others judge otherwise. Talking in general is only to make a shew. Who has the Art of managing Common Places to advantage, may speak plausibly of any thing. Rhetorick teaches it every body. What is only material, is, whether these Inconveniencies do, or do not follow from an obligation to obey the Breves. For if they do, no example of foreign Princes can make that they do not.

But to leave this, perhaps, impertinent digression: The Pope, he says, *does not enjoyn us in these Breves to swear that he has power to Depose Kings.* What then, if he may enjoyn it in others? And why may He not as well and as rationally declare Deposing power lawful, as not-Deposing power unlawful (indeed one Declaration serves turn for both) and command us to swear the one, as forbid us to swear the other? Should the Pope do this, I would fain know whether he were to be obeyd or no? This Gentlemans Argument seems to bid fair for Obedience. For Popes are Superiors; Lawful and Unlawful are

matters appertaining to them; and Superiors, he says, are to be obeyd in matters appertaining to them. The Command would be Declaratory too, and admit of no dispensation. But yet by his treating this Question, I should guess that once in his life he should be for disobedience as well as his neighbours. Because to take advantage of what the Pope has not don, seems to allow, that it had been prejudicial if he had don it; otherwise it is no such praise to forbear things unprejudicial. And then by chusing to insist upon this point, that the Breves are not prejudicial, he seems to allow the Objection, which says, that prejudicial Breves are not to be obeyd. However, He may please to take his choice. If he say the Pope is to be obeyd in that case; to what purpose does he tell us the Pope has not don what he may do every day in the week if he please, and when he has don it, is to be obeyd? What is this either to the justification of the Breves, or our satisfaction? If he say the Pope is not to be obeyd, I see no reason in the World why we may not as justifiably disobey a prejudicial prohibition, as a prejudicial command. For whatever this Gentleman would perswade us, few, I believe, will think the prohibition in question is not prejudicial, but those who think the Pope has power to Depose. And then indeed he does no prejudice, or at least wrong, to any body by preserving his own Right. But That, I doubt, is the only Rock in our way. Could we once weather it, all the rest of our passage would be safe enough.

The truth is, we are either absolutely obliged to obey the Pope in all things, and then prejudicial or not prejudicial are idle considerations; or we may justifiably disobey him in some. If we may disobey at all, we must begin somewhere. Where we should begin, if we may not begin at the Breves, I cannot understand. For these, our conscience tells us, are prejudicial, besides other things. Such a conscience, I conceive, this Gentleman allows for a justifiable excuse of disobedience; because I gather by his discourse, he would take it for himself to disobey the Pope, in case he should command such an Oath, which not to have commanded, is made his justification. For I cannot think he would obey in that case, though the Pope should command never so positively, and deliberately, and declaratively, and exclusively of all these pretences which this Gentleman by and by calls frivolous. If he would obey, that action and this discourse, in my opinion, would agree but ill. But if such a conscience would be an excuse for him; we are absolv'd from disobedience, even in his

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own judgment, for we have that very conscience.

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The second, if he follow the dictates of his conscience, plainly must obey whatever the Pope commands in these matters; and the first must do the same; if notwithstanding the contrary dictates of his conscience, he be obliged to obey too. And if he be obliged to obey these Breves, which his conscience tells him are prejudicial to his Prince, and grounded on mistake in the Pope, whatever prejudice and mistake he may think in others, he must obey them for ought I perceive. For could his conscience excuse him then, it might do so now. If this be true, he seems obliged to every jot as much, as He who should swear, that the Pope has power to Depose. For that Man by

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I doubt all this will be thought superfluous, and the Reader find but little satisfaction in detailing ware, which altogether is nothing worth, as I said at first. The next thing he tells us is, *That since we are not in rigor obliged to give an interior assent to the reasons for which the Oath is forbid, who refuses the Oath in compliance with the Popes commands, may think the Oath in it self, and speculatively speaking, lawful.* Say you so? Why then methinks in reverence to the Pope, and justification of his proceedings, you should produce some reason, why he should make the Oath practically unlawful, which we may, notwithstanding all he has don, think is unlawful of it self, and speculatively. Besides, Obedience to his Breves can no longer be prest on the account of their Declarative vertue. For Those; which make a thing unlawful,

lawful, are not Declarative. And then all depends on their Enactive vertue, to which this Gentleman, by flying to the Declarative, seems not willing to trust. However, what he says, I conceive, is true; though, I doubt, neither of us will have any thanks from the Pope, for standing upon rigorous terms with him. And, I conceive, that more is true, and that one may think the Oath practically lawful too. Yet if he who does not give an interior Assent, must act as he who does, 'tis no great matter what passes within them. In the mean time this is plain, that whoever refuses the Oath, may think it not so much as speculatively lawful, and refuse it for that reason, and not out of pure compliance with the Pope. And 'tis likely he does so, because that is indeed a good reason, whereas Compliment is not. For to compliment away our duty, is to compliment too far, even with a Pope. Wherefore as long as all must refuse the Oath, I comprehend not what it will avail, towards clearing the Breves from prejudice, that some may think the reasons of them not true. For all too may think them otherwise, and who does, and who does not, can never be known.

Yes, says he. *These some who think the Acts contained in the Oath do, concern meer civil Allegiance, are bound, as long as they remain in such a persuasion, to comply with those Acts, whether they have taken this Oath or not.* Truly these some are beholding to him, for justifying to the World, what they have always profest for themselves, that it is their obligation to practise their Allegiance, whatever the Pope say or do to the contrary, and that they ought follow their own persuasions in these matters. I have only one request to make in their behalfs, That, since They are obliged to all the Acts of Allegiance required by the Oath, notwithstanding the Popes Breves, They may have his good leave to profess that obligation by taking the Oath, notwithstanding the Popes Breves. I cannot think the Pope would take it worse of those who should act contrary to his expectation in the case of these Breves, than of those who should act contrary to his expectation in case of Deposition; who yet, this Gentleman says, are obliged to act as they are persuaded themselves, which is plainly contrary to what the Pope is persuaded: neither will he think a greater disobedience committed by disobeying his Breves, than by disobeying such Commands as he only made the Breves that he might, when he saw cause, give. And since this Gentleman says it is their obligation to act according to their own persuasions in that case, never so little indul-

indulgence for them should, methinks, prevail with him to allow them to follow their persuasions about the Breves too.

But how his discourse will relish with his own party, I cannot tell. I doubt he is as bad an Advocate for them, as he was e'en now for the Pope. To say that those are bound to comply with the Acts required by the Oath, who think they concern meer civil Allegiance, seems to say, that those who do not think so, are not bound. Now the last thing he said would persuade us, that there are clauses in the Oath which do not concern meer Civil Allegiance. Those who think so, should think, in consequence of his discourse, that they are not obliged to comply with the Acts contained in those clauses. Those Acts are, standing by the King, in case of Deposition, or Absolution, which if only those can comply with, who think they concern not Spirituals, for ought I see all must come over to the Defenders, who have a mind to pass for good Subjects. For they will hardly do so; who will not comply with those Acts, or think it not their duty so to do. I am aware of the distinction which may be cast in my way, betwixt renouncing the power, and obedience to it. But I have spoken of that Argument already, and think it deserves not to be brought into play again. The difference betwixt those two is only in words. Who renounces one, in truth renounces both. Only who says, I will not renounce the power, but I will act as if I did, and never obey it; if he can satisfy his conscience in making so bold with his obedience, will hardly satisfy any rational man besides, or make out how it can in reason be expected he will do as he says. For 'tis nonsense to say there may be power, and yet can be no obligation to obey it. Nor will he who acknowledges the power, and refuses obedience to it, be thought an honest man, so much as by those who think that Honesty requires he should renounce the power.

Finally, he tells us, *the Popes do not forbid us in these Breves an Act of Loyalty or Civil Allegiance.* This sounds something like, and, if it be well proved, may be to purpose. Profession of Allegiance though shews, methinks, very like an Act of Allegiance, and 'tis plain the Breves do forbid that profession of Allegiance; which the Law has appointed. Why do they not forbid an Act of Allegiance? Because the *taking of this Oath is not (properly speaking) any Act of Civil Allegiance, but only a security thereof, and how little trust is to be put in such a security, does appear by the sad experience of the late Wars.* Sure he will not persuade us that Oaths are matters of small conse-

govern, or live, who knows not in whom he may confide, and of whom he ought beware? I do not see how this inconvenience can be avoided, if the Breves must be obeyd. For if no body must swear that the Pope cannot Depose, for ought he can know, every body may think he can. At least, He cannot be secure of any one, that he shall be faithful when time is, because, for any thing He can tell, That one may be perswaded it is his duty to be otherwise. And so the King must of necessity live in a perpetual suspicion and diffidence of every body. Which if this Gentleman think no prejudice to a King, I suspect people will think him better vers'd in the Schools than World: If he do, he would have don well to have clear'd the Breves from contributing to these prejudices, and left the consideration of what is not, till there be occasion to speak of it.

This will not be shifted off by the Common Place of the security in which Catholick Princes live without such Oaths of Allegiance. For to say nothing of the difference betwixt Princes of the same, and a different communion from the Pope; and again of the same, and a different communion with their Subjects; it is plainly one thing for people to have no Oaths offered, and another to refuse them when they are. It is to be supposed those Princes understand their own business; and if they judge such Oaths needless, have reason to judge so. Whether they have or no, concerns not us. Our Princes are to be supposed to understand their own business too, and since they have judged such an Oath needful, it imports us nothing that others judge otherwise. Talking in general is only to make a shew. Who has the Art of managing Common Places to advantage, may speak plausibly of any thing. Rhetorick teaches it every body. What is only material, is, whether these Inconveniencies do, or do not follow from an obligation to obey the Breves. For if they do, no example of foreign Princes can make that they do not.

But to leave this, perhaps, impertinent digression: The Pope, he says, *does not enjoyn us in these Breves to swear that he has power to Depose Kings.* What then, if he may enjoyn it in others? And why may He not as well and as rationally declare Deposing power lawful, as not-Deposing power unlawful (indeed one Declaration serves turn for both) and command us to swear the one, as forbid us to swear the other? Should the Pope do this, I would fain know whether he were to be obeyd or no? This Gentlemans Argument seems to bid fair for Obedience. For Popes are Superiors; Lawful and Unlawful are

matters appertaining to them; and Superiors, he says, are to be obeyed in matters appertaining to them. The Command would be Declaratory too, and admit of no dispensation. But yet by his treating this Question, I should guess that once in his life he should be for disobedience as well as his neighbours. Because to take advantage of what the Pope has not don, seems to allow, that it had been prejudicial if he had don it; otherwise it is no such praise to forbear things unprejudicial. And then by chusing to insist upon this point, that the Breves are not prejudicial, he seems to allow the Objection, which says, that prejudicial Breves are not to be obeyd. However, He may please to take his choice. If he say the Pope is to be obeyd in that case; to what purpose does he tell us the Pope has not don what he may do every day in the week if he please, and when he has don it, is to be obeyd? What is this either to the justification of the Breves, or our satisfaction? If he say the Pope is not to be obeyd, I see no reason in the World why we may not as justifiably disobey a prejudicial prohibition, as a prejudicial command. For whatever this Gentleman would persuade us, few, I believe, will think the prohibition in question is not prejudicial, but those who think the Pope has power to Depose. And then indeed he does no prejudice, or at least wrong, to any body by preserving his own Right. But That, I doubt, is the only Rock in our way. Could we once weather it, all the rest of our passage would be safe enough.

The truth is, we are either absolutely obliged to obey the Pope in all things, and then prejudicial or not prejudicial are idle considerations; or we may justifiably disobey him in some. If we may disobey at all, we must begin somewhere. Where we should begin, if we may not begin at the Breves, I cannot understand. For these, our conscience tells us, are prejudicial, besides other things. Such a conscience, I conceive, this Gentleman allows for a justifiable excuse of disobedience; because I gather by his discourse, he would take it for himself to disobey the Pope, in case he should command such an Oath, which not to have commanded, is made his justification. For I cannot think he would obey in that case, though the Pope should command never so positively, and deliberately, and declaratively, and exclusively of all these pretences which this Gentleman by and by calls frivolous. If he would obey, that action and this discourse, in my opinion, would agree but ill. But if such a conscience would be an excuse for him; we are absolv'd from disobedience, even in his

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Yes, says he. These some *who think the Acts contained in the Oath do concern meer civil Allegiance, are bound, as long as they remain in such a persuasion, to comply with those Acts, whether they have taken this Oath or not.* Truly these some are beholding to him, for justifying to the World, what they have always profest for themselves, that it is their obligation to practise their Allegiance, whatever the Pope say or do to the contrary, and that they ought follow their own persuasions in these matters. I have only one request to make in their behalfs. That, since They are obliged to all the Acts of Allegiance required by the Oath, notwithstanding the Popes Breves, They may have his good leave to profess that obligation by taking the Oath, notwithstanding the Popes Breves. I cannot think the Pope would take it worse of those who should act contrary to his expectation in the case of these Breves, than of those who should act contrary to his expectation in case of Deposition; who yet, this Gentleman says, are obliged to act as they are perswaded themselves, which is plainly contrary to what the Pope is perswaded: neither will he think a greater disobedience committed by disobeying his Breves, than by disobeying such Commands as he only made the Breves that he might, when he saw cause, give. And since this Gentleman says it is their obligation to act according to their own persuasions in that case, never so little indul-

indulgence for them should, methinks, prevail with him to allow them to follow their persuasions about the Breves too.

But how his discourse will relish with his own party, I cannot tell. I doubt he is as bad an Advocate for them, as he was e'en now for the Pope. To say that those are bound to comply with the Acts required by the Oath, who think they concern meer civil Allegiance, seems to say, that those who do not think so, are not bound. Now the last thing he said would persuade us, that there are clauses in the Oath which do not concern meer Civil Allegiance. Those who think so, should think, in consequence of his discourse, that they are not obliged to comply with the Acts contained in those clauses. Those Acts are, standing by the King, in case of Deposition, or Absolution, which if only those can comply with, who think they concern not Spirituals, for ought I see all must come over to the Defenders, who have a mind to pass for good Subjects. For they will hardly do so, who will not comply with those Acts, or think it not their duty so to do. I am aware of the distinction which may be cast in my way, betwixt renouncing the power, and obedience to it. But I have spoken of that Argument already, and think it deserves not to be brought into play again. The difference betwixt those two is only in words. Who renounces one, in truth renounces both. Only who says, I will not renounce the power, but I will act as if I did, and never obey it; if he can satisfy his conscience in making so bold with his obedience, will hardly satisfy any rational man besides, or make out how it can in reason be expected he will do as he says. For 'tis nonsense to say there may be power, and yet can be no obligation to obey it. Nor will he who acknowledges the power, and refuses obedience to it, be thought an honest man, so much as by those who think that Honesty requires he should renounce the power.

Finally, he tells us, *the Popes do not forbid us in these Breves an Act of Loyalty or Civil Allegiance.* This sounds something like, and, if it be well proved, may be to purpose. Profession of Allegiance though shews, methinks, very like an Act of Allegiance, and 'tis plain the Breves do forbid that profession of Allegiance; which the Law has appointed. Why do they not forbid an Act of Allegiance? Because the taking of this Oath is not (properly speaking) any Act of Civil Allegiance, but only a security thereof, and how little trust is to be put in such a security, does appear by the sad experience of the late Wars. Sure he will not persuade us that Oaths are matters of small conse-

consequence, and which may be spared in the World, because some have broken them. There are who have don as much with their Bonds, and cheated their Creditors, notwithstanding all the Caution they could use for their security. Must people therefore lend money barely on other folks words, and trouble themselves no farther? This Doctrin, I suspect, will relish but untowardly: For 'tis as much as to say, since you have been cheated by relying on Oaths, rely hereafter on less than Oaths, and take peoples words. For sure enough they will stand to their words who break their Oaths.

But why is not the taking of the Oath an Act of Allegiance? For this he gives us his word, that properly speaking it is not. I am apt enough to believe he is well skilled in the propriety of speech; but for all that, some reason why he says so, I conceive, would not have been amiss. I think it is an usual custom for Vassals, when they are invested in what they hold of their supreme Lords to make a ceremonious profession of Fealty, and that they are Liege men to that Lord. And I should think an Act by which a man professes himself a Liege man may properly enough be called an Act of Allegiance. It rather seems the most proper Act of all, as that on which all the rest depend, and without which there could be no such thing as an Act of Allegiance. For supplying a Prince with Money, or Arms, or whatever you will pitch on for an Act of Allegiance, is Assistance, not Allegiance, unless it be from a Liege man, and upon the score of Fealty. And this being the Act by which he professes himself a Liege man, and bound to do those things which this Gentleman calls Acts of Allegiance, I see no shocking of propriety, if it be called an Act of Allegiance too. And so the Oath being a profession of the Allegiance we ow our Sovereign, and our resolution and obligation to perform it, may pass for an Act of Allegiance if this Gentleman please, and no injury be don to speech. However, as I love not to dispute of words, if he will have it but an improper Act of Allegiance, I cannot but think it equivalent to the most proper Act that is. And suspect a Prince, whose Subjects are hindred from professing their Allegiance, will think himself as much prejudiced, as if they were hindred from performing that Act which can with most propriety claim the name. For indeed if they will not so much as profess they ow him any thing, with what security can he expect they will give any thing when time is?

Yet suppose it were as this Gentleman would have it, not an *Act*, but only a *Security*. Is it no prejudice to a Prince to have that *Security*

taken away? How much less is he a Thief who tears the Bond, than he who steals the Money? Or if you will give him another name, you diminish nothing of his injustice. What this subtle distinguishing betwixt *Act* and *Security* serves for, I cannot imagin while the injury, give it what name you will, is equal at least, and if I mistake not much, greater by making the Oath a *Security* than an *Act*. For who hinders an *Act*, deprives the Prince of no more than was to be had by that *Act*, so much money, or so much service. But who takes away his *Security*, deprives him of all he can expect from all *Acts*. For nothing can be claimed but in virtue of Allegiance, and who refuses to profess Allegiance, refuses to be bound to any thing. So that the discourse in short is this: The Pope has don the King no prejudice, because he hinders no *Act* of Allegiance in his Subjects, He only takes away more than an *Act*, only hinders him from being secure his Subjects shall ever act for him at all.

But a Subject may be obliged, says he, to his Civil Allegiance, and equally punisht for his not complying therewith, or for being a Traytor, whether he has taken the Oath or not. This is something to those who think the Oath contains nothing but Civil Allegiance; For They, by this account, are good Subjects, as being obliged to all which the wisdom of the Nation thinks necessary to Civil Allegiance. And since taking the Oath is but openly professing that obligation, which they otherwise have, I see not why they should be obliged to make a secret of it. But what is it to the rest, and what is it to the Breves? For that another may be obliged to that duty, which the Law and Prince call Civil Allegiance, is nothing to him who thinks it is not Civil Allegiance, nor his duty. This seems little better than to delude his Prince with a Term: bear him in hand He owes and will pay Civil Allegiance, and when the Princes necessities, in case of Deposition, call for succor, tell him the case is not a case of Civil Allegiance, and he will do nothing for him. 'Tis true, he may, as this Gentleman says, and undoubtedly will be punisht for a Traytor, if the Prince be strong enough. But sure no Traytor will be so hastily mad, as not to stay till that danger be over, and till the Prince be no longer in a condition to treat him like a Traytor; and then what the Prince calls Treason he will maintain is not Treason, and have this to say for himself, that he never by Oath acknowledg'd That to be a Duty the failing in which the Prince calls Treason. Then for what concerns the Breves, are they no way prejudicial, because some may be, as indeed all are, obliged

liged to their duty, notwithstanding them, and because they know they are so, think themselves obliged also not to obey the Breves? Others may think themselves not obliged, and may be induced by the Breves to think so. These, if they act agreeably to their thoughts, may act to the prejudice of their Princes Interest, and for this prejudice, for any thing said here, the Breves may be thanked.

Yet from hence he concludes at last, *it is manifest, That Compliance with the Breves cannot be inconsistent with the Duty and Loyalty due to Sovereign Princes, because that reaches no farther than to all Acts of Allegiance, and the Breves forbid us no Act.* This is to say, Allow me all I ask, and I will prove all I undertook. He had made use of his credit before, to recommend one Proposition purely on his word: *viz. That taking an Oath of Allegiance is no Act of Allegiance,* and now recommends another upon the same score, *That Loyalty reaches no farther than to Acts.* Truly I dare not entertain this so suddenly, for fear I should be the only man of the World, besides himself, of this opinion. Unless he would shew some reason to the contrary, people will hardly think that security of Allegiance is a matter of nothing, in which Loyalty is unconcern'd. To beg both the Premises is a little too much for one who pretends to prove, when any man may prove any thing who can have but one allow'd him. Besides, why does he conclude with *inconsistent*, when *unprejudicial* was what he undertook to prove? These two are sufficiently different. For there is no inconsistency betwixt complying with the Breves, and complying with Loyalty. He who obeys them may be dutiful enough, if he will always do what Loyalty requires. But because a Prince can have no security that he will do so, he is prejudiced by the want of that security.

Wherefore I must needs think he has said nothing, by which, what he would persuade us follows, appears either manifest or true. What he says first, that the Pope has not don this or that, is as much as to say that who untiles the house, and leaves it open to the wind and rain, does no prejudice as long as he pulls it not quite down. What he urges next, that those who think the Acts contain'd in the Oath do concern meer Civil Allegiance, are bound to comply with these Acts, as long as they think so, (to say nothing of the prejudice it is to a Prince to have his security depend on the good pleasure, and changeable thoughts of his Subjects, as by his expression it should seem they are,) plainly supposes there are others who think otherwise, and so are not

bound, and those prejudicial thoughts, for any thing he says, are left to be imputed to the Breves. The Distinction he brings in the last place betwixt Security, and Act, though it were true, is so far from clearing the Breves, that it makes the prejudice greater. It being plainly less to have a part of my Estate taken away, than my Writings cancel'd, in which appears my Title to the whole. So that, I conceive, I may conclude a great deal more rationally, that because compliance with the Breves is prejudicial to our Sovereign, we ought not comply with them, and conceive too, that he himself allows so much, by the method he has taken to answer the Objection.

The 28 Consideration is a pretty one. It happens sometimes between married people, that Jealousie is pretended on that side, which gives the greatest cause. This discourse seems to have a tang of that Artifice. Of the two parties in the present debate, one is for the Pope, the other for the King, and he would persuade us they are against the King, even by being for him. His Topick is, *That Exceptions grounded on such frivolous pretences, may be made use of as well against the King as the Pope, and so open a gap for Subjects to disobey him, and render his Authority very weak and insignificant, as in effect they do the Popes.* Methinks it suits not well with the suddain zeal he pretends for the Authority of Kings, to say the Popes Authority is rendred insignificant by Exceptions which endeavor to exempt us from obedience to him when he commands what is to the prejudice of Kings. But to let this pass: It were, perhaps, enough to say in answer to him, that the Exceptions are not frivolous, and that his Objections are. For why should not the No deserve as much regard as the I? especially when the exceptions are justifi'd by the consent and practice of all *Christendom*.

But to use this Argument with more respect, I conceive, he states the case wrong, and that his apprehension is wrong even of the wrong case he puts. For should it be represented to a King, that there was not sufficient consideration of the Laws, in this or that command of his, or that He was misinform'd concerning them, or mistook them, I believe there are few Kings who would think such a representation frivolous, and who, if things be carried so as becomes Subjects to treat with their Prince, would not take it well, and be glad, if any slip of inadvertence happen to fall into the ground, to keep it from taking root, and growing. Nothing is more ordinary in diverse Kingdoms, than to have the Kings grants, or commands pleaded on the

the one side, and the Law on the other. And when the Law carries it, as it often does, neither Judge nor Client is thought a jot the worse Subject, though one have pleaded, and the other given it, against the King.

But this in truth is not altogether the Case. He speaks only of such Commands of Kings as relate to matters wholly within their sphere; whereas the Breves in question relate to matters which concern not only the spiritual sphere of the Pope, but the temporal too of the King. Now if any King command in a matter belonging to the Pope, I suppose he will say, that command is for that reason, not to be obeyd. If he demur to this, I would ask him why he refuses the Oath of Allegiance? Is it not because he thinks the Law which requires it, exceeds its bounds, and requires more than belongs to the Civil Power to require? And so, because he is perswaded some parts of the Oath intrench upon Spirituals, and Spirituals appertain to the Pope; and the Pope has forbidden the Oath, he thinks himself obliged rather to obey the Pope than the King. By what he says in his Book, I take this to be his reason why he refuses to obey the King in this particular. Which if it be, 'tis plain he judges a command of the Kings is not to be obeyd, when it extends to matters without his sphere, and is prejudicial to an Authority over which he has no power. If this be so, I see no reason why the case should not be equal betwixt Popes and Kings, and that as Kings are not to be obeyd to the prejudice of Spirituals, so neither are Popes to be obeyd to the prejudice of Temporals. So that there is little ground to fear, that disobedience to the Pope in matters which concern Kings, will introduce disobedience to Kings in matters which do not concern the Pope. In such things the Defenders prefer their conscience before the Kings commands, as well as the Oppugners. And there is less ground for him, who actually disobey the King, to asperse those who obey him, because they disobey the Pope, when they have the very same reason not to obey the Pope, which He himself thinks a good and warrantable reason not to obey the King.

When he says, *the exceptions are to be decided by the Sovereigns themselves*, 'tis as he means by the word *Sovereigns*. For some, even Sovereign Princes, use the concurrence of their Subjects in the decision of such things. But if he mean the Sovereign Temporal power, however exercis'd, undoubtedly there is no farther decision to be expected, and if there were, the power were not Sovereign. But then, to make his

his Argument look any thing like, he must put such a Sovereign power in the Pope in respect of the Church, as there is in the Sovereign Temporal power, in respect of the Common-wealth. And this, out of his own Territories, I suspect will trouble this Gentleman to make good. For sure the inferior Ecclesiastical Hierarchy will expect some regard should be had of them, and the Temporal Government will expect to be regarded in what concerns them. Wherefore though the Temporal Supremacy require, and when it is deni'd can force, an absolute obedience, to what it determines within it self, concerning it self; the Ecclesiastical Supremacy, as it is vested in the Pope, seems not altogether so absolute. Peradventure others may expect satisfaction in his decisions, before they be fully obeyd, and 'tis plain he can force nothing till all parties be agreed.

For the rest, if the exceptions be so frivolous as he pretends, he had the easier task of it to shew them so, and need not have given them credit by answers, at least, as weak as they. In the Consideration of Prejudice, there is not one word which lessens, there is which heightens it. In that of Disturbance, whereas the Objection was, that we ought not take notice of the Commands of the Pope, when the compliance with them may be a cause of great disturbance in the Church, He answers first; That the Defenders cause the disturbance. As if it were any thing to purpose, while the Objection talks of disturbance ensuing upon compliance, to talk of disturbance which comes from non-compliance. Let the Defenders be as great disturbers as they will, they are not to be charged with disturbance in not complying with the Breves, if compliance be not due, which brings disturbance, and this compliance will bring it. These are the only Questions, and there is not one word said to them. He answers secondly, That the Pope is not to forbear declaring what he sees fit for fear of Disturbance. And yet the Objection speaks not of what he may, or may not do, but whether we ought to comply with what he does, in case of Disturbance. Whether the Pope do well or ill is nothing to whether we are to obey him with disturbance of the Church. Lastly, he answers, that the Pope intends to oblige in some cases, not in other. When we are not a jot concern'd in his intentions, while we are looking after our own duty, and whether that obliges us to comply with his intentions, when that compliance will cause disturbance. So that there is not one word to the Question in all his three Answers. I will recapitulate no farther, because I have been too long already. 'Tis not good to spend much

much time in frivolous things. But yet before people quit them altogether, I suppose, they will be glad to know what they shall have more material in their room.

The 29 Consideration offers a new Objection, too long to be transcribed: and besides, the great Lake is sure to remain dry, if all the little streams be stoppt which feed it: and those we shall meet with as they run. The first is the Question of Sinfulness, which the Objection imputes to Refusal of the Oath. He undertakes to wipe off this imputation, and *Num. 30.* says first, *That the Objection is against all or most of those Catholics who defend the Oath.* I would intreat him not to trouble himself about them. Let them conform themselves to Truth, if they will, where ever it be, and if they will not, at their own peril be it. Truth will be Truth, whether they like it or no, neither is it any matter for, or against whom the Objection is. Let us see what there is in the Thing: and for Persons, let them take their fortune. But yet why is it against them? Because their *Aim only is to shew, not that it is a sin to refuse this Oath, but that it is no sin to take it.* He has a mind, sure, to compliment these Gentlemen, and let the World know they aim only at the justification of their own proceedings, and disturb not other men in theirs. But what is this to the Question in hand? Is a thing the less sinful, because others have no mind to say it is? Or does he who says it is no sin to take the Oath, say therefore it is no sin to refuse it? I am of opinion, if they let this matter alone, it had been more to his purpose to have follow'd good example, and let it alone too. For what if the Devil prove surly, and will not be laid again, when he is once conjur'd up? Truly now he has put a scruple into our heads, unless he satisfy it well when he has don, He has furnisht us with the strongest Motive that can be, not to refuse the Oath. For I am very sure he himself will justify it to be our duty, not to do a sinful thing for any bodys sake. How then does he provide for the quiet of our Consciences in this matter?

In order to this he considers secondly; *Whether the refusal can be sinful, unless the taking be obligatory.* I conceive not. This being agreed, he denies, in his way of Questions, *there is any obligation to take the Oath, since the taking thereof is no part of Civil Allegiance, as has been already shewn.* All that has been already shewn is, that he assumed what he pleased without proof, and made the business worse when he had don. The matter being discours'd so lately, I have no more.

more to do, but refer the Reader to the place as he does. I only observe he now calls a *Part* what before he called an *Act* of Allegiance, in which if he lay any stress, as I do not perceive he does, I think, the change of names alters nothing in the thing. He may well enough say that security that I will pay, is no part of the money which I am to pay, as a Mason is no part of the House which he builds. Notwithstanding he is as necessary to it, as Mortar and Bricks, and so is security to Payment. I will dive no farther into a matter which has no intricacy, unless of our own making: conceiving it enough to say, That as plainly he is no honest man, who refuses to give security for what he owes, so how he should be a dutiful Subject, who refuses to give security for his Allegiance, we scrupulous men, now he has made us so, cannot comprehend.

Next he tells us, *his Majesty does not absolutely require of us the taking of the Oath, but only conditionally, if we will enjoy such and such Employments or Privileges which we are not bound to accept of.* Till now I thought the *Absolute* which he joyns to *Obligation* before, had been a word of redundancy, for which reason I left it out as unnecessary, when I quoted his words, conceiving that *Obligation* was obligation, what Epithite soever you joyn with it. But now, I perceive, he meant something by it, which, I suppose, is, that some are, and some are not obliged to take the Oath. For when he says his Majesty requires it conditionally, if we will enjoy such and such Privileges, I conceive he means, his Majesty does not require it of those who pretend not to those Privileges, and does require it of those who do. For if he require it of all, Privileges have nothing to do with the case. And so conditional obligation, signifies not-obligation. Those who will have their Privileges being absolutely obliged, and those who will bate them not at all. This truly is to purpose. For if none be obliged to take the Oath but those who will enjoy Privileges, Those who will be content to pass without them, are free. Wherefore 'tis but dissuading people from being concern'd in Privileges, and the business is don.

But what are these Privileges, in which we need not be concern'd? who refuses the Oath of Allegiance incurs a *Praemunire*, and that signifies loss of Estate and Liberty. Call you these Employments and Privileges, such of which we are not bound to accept? Is no man bound to accept of his Liberty, or not turn Beggar? Privileges, I thought had signified extraordinary Rights granted by favor to some
above

above others. These are common to all; Nature teaches us to love, and our Need to seek them; and 'tis the end of Civil Society to preserve them. They are the things which make a life not only sweet, but useful. For who languishes out his days in Prison, and has nothing to maintain him there wants, the means of doing good to himself and his Neighbor, which if he had, might be very beneficial to both. I say no more of this point, because I think it needless to tell people that which Nature tells them a great deal more strongly, that they ought to be concern'd in these Priviledges, if you will call them so. The hard task is that which belongs to this Gentleman to perswade them otherwise; and in which he had need employ more Rhetorick, than to tell us driely we are not bound to accept of them, if he expect to prevail much. Mean time, since there is as much obligation to take the Oath, as to preserve Goods and Liberty (For those who will enjoy them, I conceive, 'tis granted are obliged) All are obliged without more ado to take it, but those whom he can perswade they are unconcerning things, and that they have no account to make God for casting away such useful means of working out their Salvation.

Though it be plain enough that none are exempted by this discourse, from obligation to take the Oath; yet to put the matter out of dispute, I must inform this Gentleman, if he know it not already, that there is an Act of Parliament purposely made to extend the obligation to all the Kings Subjects. He will find it 7 Jac. c. 6. though with some difference of persons. Those of employments are directed where and when to take it, the rest let alone till they are call'd upon; which if they never be, he may well enough say, they are free till then. For the Law obliges them not to go and take it without summons. But there is no Subject who may not be call'd upon, and when he is, and refuses the Oath in open Sessions, incurs not *Præmunire*. And if requiring it of all, under such a penalty, do not put an obligation on all, I know not how Subjects can be obliged by Law.

He says farther, That though those who refuse the Oath in many circumstances, are liable to some penalties enacted against Roman Catholics, yet they are punisht even in that case, not so much for refusing the Oath, but because by refusing it they are suspected to be Popishly inclined. What this means I can hardly tell, unless, perhaps, that who is punisht for refusing the Oath, suffers for Religion. This I must in plain terms say,

Considerations
touching
the true
way to
suppress
Popery.

say, is a scandal to Religion, and which, after so plain declarations as have been made to the contrary, cannot be said with any reason. Though it were as he says, that the Refusers are punisht for inclination to Popery (which in one sence is true, the Oath having been framed to discover those who are so) it would not therefore follow there is any less obligation to take the Oath. For taking Popery as Protestants themselves take it, for an *Undue adhesion to the Pope in Principles or Practises falsely pretended to be Christian*, he must shew why this should not be punishable, even in Catholick Countrys, before he can pretend we cannot be obliged to renounce it in ours. But I rather guess than know his meaning, being hardly able to make any thing of what he says. *The Refusers*, he says, *are liable in many circumstances*; as if there were any in which they were not liable, or as if circumstances made or marr'd. Then, *Liable to some Penalties enacted against Roman Catholicks*, as if these Penalties were enacted against Roman Catholicks for being Roman Catholicks, and not Roman Catholicks were not as liable to them, as they, if they refuse as well as they. Again, *Liable* (for refusal, I suppose) and yet *not punisht for refusal, so much as for other suspicions*. As if they were not punisht for that reason for which they are liable; or as if the Punishments appointed for Refusal, would or could be inflicted but for refusal; unless, perhaps, the same punishments be appointed for other faults, which is not our case. Let there be, or not be other reasons why refusers are punisht, sure they are punisht for refusing the Oath, when by taking it they may scape those punishments. But indeed the whole to me is riddle. Circumstances, and Reasons, and what else he adds, make a noise, which a body would think had something in it. But that something is a secret into which I cannot dive. Yet he would have it follow, that *no absolute obligation of taking the Oath can be proved*: as if the Laws enjoining, and Magistrates requiring, did not put an absolute obligation upon the Subjects to those Laws and Magistrates. And actual loss of Goods and Liberty were not a proof, that they oblige those, from whom they take them, to do that for refusing which they take them.

The 31 Consideration tells us, *It cannot prudently be presumed, that the forbearance of the Oath is manifestly sinful*. Methinks the resolution of such Questions as these should not depend on Presumptions. Many things happen to be true, which often cannot be very prudently presumed. As time was when he would hardly have been thought well in.

in his wits, who should have presumed there had been convenient living under the Line, or that people walk feet to feet to us. And yet both are now manifestly true. 'Tis to spoil time and Paper to stick upon such collateral Topicks, which may be multiply'd World without end on any thing, and serve nothing to the clearing of Truth. But yet what are these presumptions. *Grave, and Learned, and Conscientious Men* (I forbear to speak of the Pope, having said so much of what concerns him already) *maintain the forbearance of the Oath against their own Interest, and divers have suffered Imprisonment or Death.* To their *Gravity, and Conscience* I have nothing to say; only I think it no miracle to see a grave and conscientious Man ignorant enough. As for their *Learning*, it matters not what it is in other things, if it fail them here: and that it does not, now he is on the proving hand, he should do something more than presume. *Interest* is an harsh string which I will not touch, but I think he knows there are who dare presume to think, that every body who speaks against the Oath of Allegiance, does not act against his Interest. As for the *Authority* of those who have suffered for refusing the Oath, it will signify something when he produces reasons sufficient to justify their so doing. For, *Señ. 96.* He tells us that no account is to be made of Authors, whose grounds are false, or inconclusive. If the Refusers of the Oath had no good reasons for their refusal, they are to be pity'd, but not imitated: If they had, it would do well to bring them forth, that we may have wherewith to justify our selves in following their example: otherwise it is no vertue to imitate the defects even of good Men. Neither shall we have that to say for our selves which they had. For they had reasons, such as they were; which unless they appear to us, they may have done very well, and yet we shall do very ill in doing the same action without reason.

It is no great wonder that people were imprison'd for refusing the Oath, it being the penalty appointed by Law. As for Death, it is an unjust asperson to mention it, and an injury to the mercy of the Nation, in which none ever died purely for that matter. We see divers are perswaded the Oath is unlawful, and if they act as they think, the marvel is not great. The wonder is that it should be expected, that others, who are not so perswaded, should suffer for company. Among Sheep if one leap into the ditch, the rest will follow; but to say that *Men must* do so, is to make Men no better than Sheep. This is the finest way of doing the business that ever was thought of. Prevail

but with some to suffer, by Sophism, or how you will, and then 'tis no matter whether it were Sophism or no; the rest need not hear of it, but must suffer, because the first have suffered, and so all are in, without the trouble of giving a reason why. In short, their suffering is an Argument they were good Men; and not moved by any interest of the World, since they voluntarily quitted the more considerable of Temporal Goods. But it is no Argument of the goodness of the action, or truth of what they suffered for; while the worst of Hereticks, and perhaps Atheists too, can name their sufferers. As good Men of all other, are the most apt to be impos'd upon: they may thank such Arguments as these for what they have suffered. If others have no mind to be beholding to them for such obligations, I think they may be pardoned. Sure I am, it is a very preposterous imitation of their example, and justifiable neither to God nor Man; if what they did according to the dictates of their Consciences, we do contrary to the dictates of ours.

Num. 32. The consideration of Schism comes into play; which I for my part, unless the word be taken improperly, conceive imputable to neither party. For it signifies a breach of Unity in the Church: and where both sides are united, both to the Head, and among themselves, I see no Schism. If either proceed so far, as to refuse communion to the other, let them answer for the Schism when it happens. For the present, those seem nearer the brink, who object Heresie to their fellows: because they object what, if it were made good, were a just cause of breach of Communion. But since they are not so severe in their actions as words: and communicate freely with those who, if they were such as they say, were not to be communicated withal: there is no more Schism between us, than betwixt Jesuits, and Janсениsts, Thomists, and Scotists, and the rest. Though if there were, what he has said makes nothing to the justification of his party. For since both acknowledge the Head, the Schism must of necessity be between the Members. Now all he tells us is, that their side joyns with the Head, as if the other did not do so too: and as if it were any thing to purpose, to say they are not Schismatics in respect of the Head, when the question is of Schism between the Members. Wherefore, though in my opinion his discourse is none of the best, yet while it concerns not our question, I think I may let it alone.

Num. 33. He tells us, *Union among Catholicks in England in order to this point, may be had two ways; if All take, or All refuse the Oath.*

Oath. Union indeed in this point were to be desired; yet there is no fear of Schism, if we remain disunited in our judgments, while the unity of the Church is preserved. But this Union, I fear, is more to be wish'd than hoped. People have been divided about this Question, ever since it was first started: and I see no great likelihood it will be otherwise yet a while. Quiet we may be, if we please, if every one be content to follow his own conscience, and leave his Neighbour the liberty he takes himself. And he whose Zeal will needs fly out, is to answer for his transport, and the harm which comes of it. But united in this point, I doubt, we shall not be so soon, unless he would give us better reasons than he does, why All should refuse the Oath. *It is more easie, he says, and more warrantable that the minor part should conform to the major, than the major to the minor.* As if number signifi'd any thing. It is not easie for him who has Truth on his side, to desert that Truth for any consideration, but by being perswaded that it is not Truth, nor warrantable if he do. Nor do I think he will find it so easie a matter to perswade the Takers they are not warranted by Truth. Again, he says, *'Tis more rational for the Members to submit to the Head, than the Head to the Members.* This indeed is generally to be supposed. But yet it may happen, that the Head may slip into what is not rational sometimes. And then it is more rational for him to conform himself, not to the Members, but to Reason, than for the Members to conform themselves to what is not rational. Who has, and who has not Reason on his side, is the only point worth consideration: all else is but to talk plausibly from the purpose.

The next two Paragraphs are employ'd in Reasons why Catholicks should rather refuse than take the Oath. And they are all such as should neither be mentioned, nor so much as thought of. An honest man has no more to take care of, than to perform his duty, when 'tis required, and leave the success to Providence. Selling of duty, and bargaining before hand what I shall get by it, as if the joy which follows the discharge of a good conscience, were not reward enough in this World, and God would forget us in the next, favors of a conduct not very creditable to Religion. Besides, indeed they belong more properly to those to whom it belongs to offer the Oath, than those to whom it is offered; and to their consideration I leave them.

Yet I cannot take leave of these Paragraphs, without wondring at
these

the confidence with which he so positively affirms, that the far greater part of *English* Catholics have hitherto been for refusing the Oath. He says indeed at last, that 'tis a confessed point, which if it be true, for I know not what adversaries he means, I think they with their confession, and he too are both out. Of the persuasion of the present Catholics we have a little experience in what hapned among the Catholick Lords. When the Oath was prest upon them, my intelligence fails me, if the refusers were the far greater part. I am told they were the less. And I think there is reason to guess it would be among the Commons, as it was with them. For the influence of those of his Principles is thought to be as great on the Nobility as others.

For the ancient Catholics we have the testimony of *Wisbrington*, one of them, and who knew what past. He in his Preface to his *Disputatio Theologica* tells the Pope, that very few (*paucissimi*) Lay-Catholicks of any note refus'd the Oath: and in his *Purgation*, that the Oath was daily taken by almost all Catholics of the better sort, to whom it was tendred even by those who had Jesuites for their Directors. Possibly this Gentleman may not think very well of *Wisbrington*; but sure he does not think so ill, as that he would tell the Pope a lye to his face, in a matter of fact which every body could see were a lye, when he had so many Adversaries ready to catch at every advantage he gave. Or if he would lye to the Pope, I am sure it cannot with any prudence be presumed he would lye to an Adversary, who knew how things went as well as himself, and appeal to his knowledge for the matter. *Fitzberbert* had said the Oath was refused by Catholics. *Wisbrington* in his last Rejoynder, Chap. 2. replies, He could not be ignorant that where one Catholick hath refus'd it, a hundred have taken it. And this was written in the year 1633, almost thirty years after the framing of the Oath, when in all likelihood it had been taken or refused by all the Catholics in *England*. So that, by this Gentlemans favor, the Ancient Catholics were of another mind than he fancies them. Nor can I think but he reckons without his Host, when he counts the Refusers far more numerous at present. We have little more, perhaps not so much, said to us as they had, and 'tis strange we should receive for current, what they thought adulterate.

And so we are come to the head of scandal, in answer to that part of the Objection, which said, that to refuse the Oath is scandalous to Reli-

Religion, as if the Principles thereof were inconsistent with Civil Allegiance due to Princes. I cannot imagin how this Objection can be answered otherwise, than by denying the Principles in question belong to our Religion; or are inconsistent with Allegiance, though they do; or are scandalous to Religion, though they be both inconsistent with Allegiance, and belong to Religion. This last way, I suppose, will be trod by few. For to say Religion teaches Principles inconsistent with Allegiance, is palpably to hinder people from embracing Religion, and that is palpable scandal. Wherefore all depends on the other two, whereof I, for my part, should chuse the first; and fear who does not, is no friend to Religion, otherwise than in wishes. Yet if it could be made out that those Principles do consist with Allegiance, Religion would be saved harmless. But this, I doubt, will never be done. However, let us hear what this Gentleman says to the point.

He tells us, *Num.* 36. That the scandal, if any be, is rather *Acceptum* than *Datum*, because Catholicks have been Loyal in the late Wars. I suppose he would have it thought by this, that the Principles in question have no inconsistency with Civil Allegiance; but I do not think he could have chosen a Topick less to purpose. For what had those Principles, and that Loyalty to do one with another? no body ever said or thought, but a man of these Principles might be loyal enough, in occasions where they have no influence. The Question is, whether they do not hinder a man from obeying a King deposed by the Pope, and whom the Pope commands not to be obey'd, and whether that hindrance be consistent with Allegiance, or no. What is it to this Question, to talk of what Catholicks have done, when there was no deposition, and where the Pope never medled? The Loyalty of those *Irish*, who stood by the King against the Popes *Nuncio* and his Excommunications, has indeed some relation to the matter; and did he approve the Principles by which they acted, he had something to say. And then, I suppose, he would not write against the Oath of Allegiance. But the Civil Wars of *England* have no more to do with the case, than the Wars of *China*.

The next Consideration tells us, Protestants would think ne'er a whit the better of us, though we should all take the Oath, and, perhaps, the worse. Till he have Commission to speak for Protestants, I suppose, they will desire to speak for themselves, and conceive we ought not take their Sentiments barely on his word. But what matter

is it what Protestants think, or not think? what they have reason to think, is all that concerns us. There are among Protestants, as in all multitudes, Reasonable, and Unreasonable. And because they will think, and speak, and act differently, I presume the Reasonable will not take it well, if the sentiments of the rest pass for the sentiments of all. As the letter he mentions, till it be own'd by more than a single man, is, I think, unreasonably made the fence of Protestants. But let them think as they please. We, for our parts, are to look to our own duty, not other mens thoughts. When we have complied with that, we have no more to do. What others will think of it, is a matter out of our reach, for which God is to provide, and will; and to him they are to give account who think amiss of us for well doing. We are to satisfy those whom Reason will satisfy: for the rest, at their own peril be it.

Our Question is of scandal; that scandal with which the Church may be aspersed if she teach Principles inconsistent with Allegiance; and which, I conceive, consists in this, that those who are not of her Communion will hardly be persuaded to embrace it, and those who are, easily be wrought upon to desert it, if that aspersion cannot be wiped off. It would be shewn why both have not reason, when nothing is more manifest than that the Church whose Principles are inconsistent with Allegiance, is not the true Church. To this he should have spoken, if he would have spoken to purpose. Nothing can be wider of the mark, than to tell us there will be unreasonable constructions made of our actions; As if there were not unreasonable people every where, and those who are so would not act unreasonably.

The taking of the Oath, he says, would be ineffectual to the End pretended. This End, I conceive, is to free our Religion from the scandal of Principles inconsistent with Allegiance. The Catholick now who takes the Oath, testifies his Religion is not guilty of such Principles, while he complies with his Allegiance, and still keeps his Religion. Why is not this effectual to that End? Because *Protestants would not therefore have a better opinion of our Religion, but worse opinion of Catholicks who take the Oath, as professing a Religion, to whose Principles, as by Protestants understood, they are ashamed to conform.* If this were so, the scandal would be removed from Religion to the persons who profess it. For this imputation falls only on them. And if Protestants continue still to think amiss of Religion, those are to be

be thanked, who have given them occasion to think, that they swerve from the Principles of it, who profess their Allegiance. Their fault it is if taking the Oath be not effectual to the end pretended; and they should do well to consider what account they will make to God for the scandal.

And why should it be thought that Protestants would have these opinions? I conceive he wrongs them with an unreasonable suspicion. They would plainly have reason to think, that those who they see stick to their Religion, after they have owned their Allegiance, are not ashamed of their Religion, or any Principles of it. Unless they believed all those Fools or Knaves who take the Oath, they would have reason too to judge, that their Religion has no Principles inconsistent with Allegiance. For they were Knaves who should profess Allegiance contrary to the Principles of their Religion, and Fools who did not know what their Religion teaches. And since there is Reason for Protestants to entertain other opinions than those he fancies, he may think of them as he pleases; I, for my part, cannot think but reason would sway with them.

Besides, what means, *as by Protestants understood*? This, I suppose, that Protestants understand the Principles of our Religion consist not with Allegiance, to which Principles those are ashamed to conform, who are not ashamed to conform to their Allegiance. When Protestants understand things in this manner, I would intreat this Gentleman to tell us what he thinks of the matter, whether they understand things right, or no? If they do, and the Principles of our Religion have indeed an inconsistency with Allegiance, Protestants plainly do well to understand things as they are, and he must be- think himself of a reason to give them, why they should not think ill of a Religion of such Principles. If they understand wrong, and our Principles be truly consistent, he should do well to speak out, that we may understand one another, and in stead of hiding our Question in the Protestants thoughts, tell us how it happens that they are in the wrong. Whether because those Principles are not Principles of Religion, or consist with Allegiance though they be. One would guess he has a good mind to the latter, and would have it at last believed. But the difficulty lying in this, Whether it be agreeable to Allegiance to fight against the King, or at best not fight for him when the Pope deposes him, and puts a necessity of disobeying either the Pope for the Kings sake, or the King for the Popes, and what influ-

ence the refusing Principles would have in that case, and only that case : there is not one word to the point in all his discourse, that I perceive, not so much as *I*, or *No*.

For what he urges, *Self. 38. That we shall be accounted not Loyal for refusing the Oath of Supremacy.* I know not what reason he has to fear such hard measure from Protestants. I do not hear they do, what he says they will do, and believe I can produce Protestants who allow some Catholics loyal, though they know all refuse the Oath of Supremacy. When the time comes, we shall see what is to be said to them. I suppose if he had as much to say for refusal of the Oath of Allegiance, as of Supremacy, he would make better work of it. Yet he proves this conceit of his, because *Protestants acknowledge the Supremacy in Spirituals is inherent in the Crown, and consequently that to refuse the Oath of Supremacy is to refuse the Supremacy of his Majesty in Temporals.* What Protestants acknowledge, themselves declare. He may dispute that point with them if he pleases. But I do not think they acknowledge this consequence of his, who denies Supremacy in Spirituals (meaning as the word signifies, purely Spirituals) denies it in Temporals. They have no reason to thank him, in my opinion, for making them no better Logicians. If that be all they have to say for fixing disloyalty on the Refusers of the Oath of Supremacy, I believe we may rest secure. For they are too reasonable to say it. His proof of this, as indeed it needs proving, is, *That who refuses to acknowledge any thing inherent to the Crown, refuses, at least implicitly, to acknowledge the Crown and his Loyalty.* Which is but to say the same more in general, leaving out the words which discover the fallacy. Otherwise, by *any thing* is meant *any spiritual thing*, and by *Crown* is meant *power in Temporals.* And so 'tis just the same again; who denies Spirituals, denies Temporals.

Before I pass farther, I cannot but observe, That what he says here, is an Argument that Protestants are not likely to judge so crossly as he imagins. For if they cared for no more than a pretence to asperse Catholics with disloyalty, right or wrong, what needed they have made the Oath of Allegiance, when, according to him, the Oath of Supremacy would have served their turn as well? no Catholick could scape the imputation, if Refusal of the Oath of Supremacy would fix it on them; this way All may. If any be in love with an imputation so laudable, and will by no means part with it, the fault sure is not in the Protestants. It would, in my opinion, become our Reason

son to judge more rationally, and our Charity more favourably of our Neighbours.

The last consideration, *Señ. 39. That the Takers would create scandal in the Refusers, seeing how they slight the express order of the Pope*; would make a Man suspect he has forgotten what he is talking of. He is answering this Objection; that inconsistency of its principles with Allegiance, is a scandal to Religion: And he talks of a scandal, not to Religion, but to particulars; and not for inconsistency of principles, but slighting of commands. Let the Takers be as scandalous as you will, and for what reasons you will, still the scandal remains upon Religion; unless its principles be cleared from inconsistency with Allegiance. To do this, I thought had been his business; to fall upon other things seems a strange way of doing it, and which argues, he gives it for desperate, and finds nothing will be done in it.

As for the difficulty it self, it is the boyld Capon we have had all this while, of which I now grow weary. Who justly gives, who blameably takes the scandal he talks of, depends on what has been discours'd all along, who has right on his side. If any harm come by the ungrounded persuasions of weak people, I think they owe it to those to whom they owe those persuasions; and have nothing to say to those, who do what they can to ground them better. Sure I am there is no scandal in saying, our obedience to the Pope, or any body, ought not to carry us to any thing scandalous to Religion. There is no scandal in saying, there is nothing said by this Gentleman, which removes from Religion the scandal objected to it. For to talk of the Loyalty of Catholicks, and thoughts of Protestants, (all the Meat he gives us with variety of Cookery) is to feed us with steam, instead of substance. There is no scandal in saying, he can see into the Millstone as far as another. Which if he do, and no body can clear the Objection better than he; the refusal is plainly scandalous for the reason objected. And because, if the Refusal be, the Taking cannot be scandalous; who fright weak Consciences into such apprehensions, have something, I doubt, to answer for their own.

The Objection urged further: *That should the Pope declare it sinful to bear His Majesty civil Allegiance (which is due unto him by the Law of God and Nature) we should not think our selves bound to submit to such a Declaration.* This I conceive he grants, *Señ. 40.* and then I see not why the dispute is not at an end. For the case of

the Breves is the very case propos'd. The Pope has declared something contained in the Oath of Allegiance is sinful. Besides the express Declarations of those who best knew what is in the Oath; it is manifest to eye-sight, that nothing is contained there, but profession of civil Allegiance, due to His Majesty by the Law of God and Nature; and renouncing a power to take that civil Allegiance away. 'Tis manifest, that if there were any such Power, it might work, and take away that civil Allegiance, and deprive the King of what is due to him by the Law of God and Nature. *But to deny unto him civil Allegiance, due by the Law of God and Nature*, he says, *is manifestly sinful*; and then how can what he says next, *that in matters manifestly sinful, we are not bound to obey the Ordinances of our Superiours, whether Spiritual or Temporal*, be hindred from being apply'd to the Breves; and concluding that they are not to be obey'd. For they do deny him civil Allegiance in case of deposition, and declare 'tis sinful to hold it due; at least as far as can be guess'd at the meaning of the indeterminate declaration, and as it is actually understood by those who are against the Oath, and every body else. There is no means of escaping, that I can imagine; but by saying, either that civil Allegiance, is not civil Allegiance; or, that civil Allegiance is not taken away; when the duty of serving the King with our Fortunes and Persons is taken away: or, that such service is not due, when the Pope forbids it. The two first are manifest Nonsense; the last is the very case of the Objection, in which he acknowledges the Pope's declarations are not to be obey'd. Wherefore I should think there is an end of the story; and the tedious troublesome question, which has vex'd us so many years, fully resolv'd.

Yet, I suspect he has reserv'd some Fence for this Flail in this bold manner of expressing himself, That *supposing (as he does suppose) His Majesty is our Sovereign in civil concerns, and that not only in order to the civil Power, but also to the exercise thereof; Then to deny, &c.* What this means, I cannot tell. But I think the King is not beholding to any Man's suppositions for his Sovereignty; and suspect 'tis plain Treason, to suppose otherwise. Again, what means *Sovereign, not only in order to Power, but to the exercise too?* Can one of these be supposed without the other; or can it be imagined, without Treason, that the Pope or any body can hinder the exercise of the King's Sovereignty in civil concerns? Till he explain himself better, and let

us know what he means by them, and for what use he lays them up, I can say nothing to them, and should not be forward to meddle with such tender matters, though I could. What I said before, I think, is clear: That the King, independently of suppositions, is, by the Law of God and Nature, Sovereign in Civil concerns, both in order to power, and the exercise of it: That the obedience due to this Sovereign power in Civil concerns, is Civil Allegiance: That the Breves hinder the profession of this obedience, and the exercise of it in case of Deposition. And because 'tis acknowledged, that to deny Civil Allegiance is manifestly sinful, and that Obedience is not due to the Pope in matters manifestly sinful, the business, I think, is concluded, and All may take the Oath of Allegiance even with this Gentlemans good leave.

The 41 Paragraph says, *'Tis not reasonable, because we may disobey in matters manifestly sinful, to disobey in matters manifestly or probably lawful. And the forbearance of the Oath is confest to be so by his Adversaries.* What they confest I cannot readily tell, nor am curious to examin, as caring more to know what is, than what is said. But, I conceive, 'tis not manifestly or probably lawful to forbear Allegiance, or the profession of it when lawfully required. And since I cannot see any thing else in the Oath, I cannot see how to forbear it, when lawfully required, should be manifestly or probably lawful. Unless in vertue of extrinsical probability, from the number of those who say the contrary, whom to take for guides, except they have reason for what they say, is to be guided without reason. In the following Section we have a new account of what the Pope has not don; which if he thought worth repeating again, methinks he should have chosen a fitter place. For it suits but ill with our consideration, what would be, if the Pope should do as is objected, to tell us he has not don it. Having spoken so lately of this matter, I see no reason to stop at it again. Only, I humbly intreat him in behalf of the Catholicks of *England*, to forbear such kind of Topicks. For they seem to insinuate as if their Allegiance depended on the Popes carriage to the King. Then which I know not how he could do them a greater, or more irrational injury. And so his performance upon this branch amounts to this; To grant the substance, and by that grant resolve the Question in favour of his Adversaries, and say over again a thing he had said a little before, nothing at all to the purpose.

The Objection proceeds to urge, *That the Oath contains only a meer*
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Civil Allegiance, as our Kings have declared, and to them it belongs to declare what is meer Civil Allegiance, and not to the Pope, whose Jurisdiction extends only to Spirituals. To this he says, *Sect. 43.* That whatsoever a Prince is pleased to put into an Oath, which he terms an Oath of Allegiance, is not to be held as appertaining to meer Civil Allegiance. Undoubtedly; if he put in any thing which does not appertain to Civil Allegiance. But the business is, since he has declared he has don no such thing here, why we may not believe him, but must believe he declared he knew not what. Though he had made no declaration at all, it is clear enough of it self, that standing by the King with our Lives and Fortunes, even against the Pope as well as another, if they happen to fall out, and the Pope attempt on his Civil concerns, is meer Civil Allegiance. Pray why may we not believe the King said true, that he required meer Civil Allegiance, when we see there is nothing but this in the Oath?

He goes on to tell us, *Sect. 44.* That because an Oath, styled an Oath of Allegiance, may contain things not appertaining to Civil Allegiance, the Pope may judge of such an Oath. Yes, if it do contain such things. But barely that it may, is no argument that it does. I would fain know by what Chymistry this potential may will be turned at least to actual is. If so, says he, since this present Oath contains such things, as has been declared above, the Pope may judge of this Oath. I thank him kindly. This since it contains is the thing to be proved. If he had a mind to assume the point in question, he might have don it at first, as well as last, and made no such ado with his may-be's. Indeed he supposes this has been declared above. Thither by his Example I refer my self, where the Reader will find why I am not of his opinion, and judge as he sees cause between us. Lastly, he would have us stand to the Popes judgment in order to such things, rather than the Kings Declaration. As if all Catholicks did not do so in order to such things. But that these are such things, there this Gentleman leaves us.

• Methinks a plain matter needed not be rendred obscure by learned handling. All that is in the case is, Whether the Oath contain Temporals only, or Spirituals also? The Pope has declared the one, the King the other. As for what concerns Jurisdiction, I think both may judge of the case, which in that respect seems equal betwixt them; one judging independently in Temporals, and the other in Spirituals. Now our concern is to know, which of the two judges right? For who goes with

with the side which judges wrong, as one of necessity must do, must needs go wrong. The Objection is for the Kings judgment, this Gentleman for the Popes. His reason is, because there are Spirituals in the Oath, which is the thing in question. The Objection assigns no other reason but the Kings jurisdiction, and in that point, I conceive, the case equal. But there is this reason, that the King who made the Oath, must needs know better than the Pope what is meant. We, who must resolve one way or other, can have no other guide but the judgment of Authority, or our own. 'Tis not easie to be guided by Authority, where the two Supreme Authorites are directly contrary. But if we will put nothing else into the Scales, there is the better knowledge of the matter of fact to weigh on the Kings side, which is not on the Popes. Neither do I think it would have been allow'd in Catholick times, to submit the interpretation of *English* Laws to foreign Tribunals. The Statutes of *Præmunire* and *Mortmain* were heretofore judged to contain Spiritual matters, and long and strongly opposed by the Pope; but yet remained notwithstanding; our Catholick Ancestors preferring their own judgment before his. But I doubt, whatever learned men say, people will do at last what their own judgments tell them is to be. At least did they not carry a great stroke in the business, this Gentleman and I spend our time, methinks, but idly in informing their judgments.

The Objection goes on, and so do his Considerations; but to what parts of it they are design'd for answers, I am often at a loss. So that I can only observe what he says, without knowing whether he speak to the point. What the 45th Consideration says, is true, but what he will make of it, he neither says, nor can I imagin. The 46th tells us, because the King is to be obey'd only in Civil matters, and the Pope only in Spiritual, those of his way think themselves not bound to submit to the Kings Orders, since the Oath contains things not appertaining to Civil Jurisdiction. And this last, he says, has been proved, and, I think, his proof has been disproved, and there it rests. This, it seems, was intended for answer to an Argument made by the Objection in behalf of the King, parallel to his own. In which he denies the Major, that the matter appertains to the King, for the reason mentioned. Whether it do or no, has, I conceive, already been sufficiently debated, and I love not repetitions. Civil Allegiance, I think, and security for meer Civil Allegiance, are matters very much appertaining to Kings. I am sure I see nothing else in the Oath, and
till

till this Gentleman shew me the Spiritual thing, which is there besides, cannot believe there is any such. And therefore, I for my part think my self obliged to obey the King.

The next Consideration, *Self. 47.* attempts to prove, that we ought in this case, submit rather to the Pope's commands than the Kings. His first reason is; because, though both be Supream, yet in their several kinds, *the Pope's Supremacy is of a higher Hierarchy, than the King's Supremacy.* And certainly, when two Supream Governours clash, we are bound, *ceteris paribus*, to submit to him whose Jurisdiction is of a higher Hierarchy, than to the other. This would have shew'd something more excusable, if he had kept it confin'd to this case. But when he gives a reason which extends to all cases, and by adding the Universal proposition, argues in this manner; we must obey here, because we must obey every where; he says, what I hear with extreme grief from a Catholick, and which I think becomes not the mouth of any good Subject. No King I believe will take him for such, who is dispos'd, in all contests with the Pope, to submit rather to the Pope's orders than His: And our King, for the difference of Communion, has more reason to be jealous than another. I beseech him to keep this Doctrine for himself, and those whom he can persuade into it; In behalf of the rest, I heartily protest against it. Yet Protestants, he says, will not deny it. I have already observed; that, in my opinion, he undertakes for Protestants farther than he has commission. But whatever they do, I am sure there are Catholicks who think it very false, and very pernicious besides.

But let us consider too in our turns. *The Pope in this case is to be obey'd, not the King.* Why so? *Because his Supremacy is of a higher Hierarchy.* What then? what necessity is there of obeying the higher Hierarchy? *Because certainly we are bound, ceteris paribus, to submit to him, whose Jurisdiction is of a higher Hierarchy.* That is, we must obey the Pope, because certainly we must obey the Pope. For *highest Hierarchy* is *Pope* in other words, and unless it be shown how the notion of supreme Governour in holy things, (for that the word imports) make his commands carry it, against the commands of the supreme Governour in Temporals; He might have kept his usual name, and that notion never have been troubled. Besides, if the Popes supremacy be of a higher Hierarchy, the King's, unless the comparison be Nonsense, is of a lower Hierarchy. And *Hierarchy* signifying govern-

government in sacred things; the King by this account is a Governour in sacred things, which who would have expected from this Gentleman?

His second reason is, *because according to the common sentiment of Divines and Canonists, when it is doubtful whether such a matter considered in it self does appertain to the Spiritual or Temporal Court, it belongs to the Spiritual Judge to decide to which of these two Courts it does appertain.* I beseech you, what reason have these Divines and Canonists for this common sentiment of theirs? Because, says he, *other circumstances being equal, the Spiritual Judge is to be preferred before the Temporal.* This is the *higher Hierarchy* again. It belongs to the Spiritual Judge, because it belongs to the Spiritual Judge. Those Divines and Canonists who argue in this manner, will run a hazard of being thought themselves as common as their sentiments. I but, *there is no other commodious way to decide the Question.* Pray why is it not altogether as commodious, if the Temporal Judge decide it. To travel a thousand miles for a decision which may be had at home, methinks is no such commodious thing.

Since he would needs meddle with this nice question of the Jurisdiction of Courts, I think it would have been well if he had advis'd with some besides his Divines and Canonists, before he had advanced their Doctrine in *England*. I am informed the Law of *England* is, that, in case of question, the Temporal Court is to judge whether the matter belong to the Ecclesiastical or not. And that this Law was made and practis'd by our Catholick Ancestors. If this be so, he should not expect the higher Hierarchy of his Divines and Canonists should carry it with *English* Catholicks, against *English*, and those Catholick Laws. Whether it be or no, he may inform himself at leisure. For I think he will not take my word; nor will I pass it in a matter wherein I have no skill.

But yet I can see that, if his Doctrine must every where pass uncontrouled, Temporal Judges will quickly be very useless things in the World. For since, virtuous or vicious, is a consideration applicable to all even possible cases, and the determination of that matter belongs to the Spiritual Judge, there is no case whereof he may not claim the cognizance. And if the Temporal Judge must always submit, within a while there will be nothing left for him to do. And yet I think, the World would not find it very commodious, to have Temporal Judges taken quite away. Again, if the matter be

examined, I doubt, it will be found, that Spiritual Courts were set up by Temporal Authority. To Preach, to Bind and Loose, and what else was given by Christ, is indeed derived from a higher origin; but to bold Pleas, and act in the nature of Judges in Courts, I suspect proceeded from the piety of Princes. Which, if it be true, it seems more commodious, and more proper, that the Temporal Power should judge, whether a matter in debate be of the number of these which are by that Temporal Power committed to the Spiritual. He who gives, I think, can best tell what he gives, and what he meant to give.

The 3d Reason is, *Because the Pope requires less of us than the King.* Suppose he do. Why ought we obey him who requires less? Because, *when two Precepts contradict one another, we ought to submit to that Precept of the two ceteris paribus, wherein least is required of us.* Very good. We ought, because we ought. These reasons, I see, are all of a piece; but, methinks, it had been more for the credit of his Divines and Canonists to have let them alone, than brought them upon the stage with such reasons in their mouths. But yet how much less do's the Pope require of us than the King? Why, *the Pope only requires we should not take this Oath: the King that we should positively take it as it lies; which is far more.* Truly he is in the right there. Speaking is doing something, and keeping silence is doing nothing, and *Something* is plainly more than *Nothing*. But this is to be understood Metaphysically; for if we consider the matter morally, the Popes *Nothing* may, perhaps, amount to more than the Kings *Something*. Since refusal of the Oath is *Præmunire*, to require us to refuse it, is to require all our Goods, and our Liberty besides; and this, whatever notions they have in the Schools, is a very considerable *Something* in the World. The King now requires neither, but only security, when he needs them, of assistance both in our Goods and personal Service, according to the proportion allotted by Law, and which we are bound to afford him, whether he take security or no. Now I should think security, and only for a part, and only when the time comes, and for that to which we are bound however, is not altogether so much as the whole it self, all at a clap. But the truth is, I fear, all this is but time lost. *Duty, or not Duty, True or False, Sin or Virtue*, and the like considerations are worth examining; what *More or Less* have here to do, none but his Divines and Canonists, I think, can tell.

The

The fourth and last Reason is, *Because the Popes Precept in this matter is negative, but the Kings affirmative.* And why must we obey the Negative, and not the Affirmative? Because *when two Precepts oppose one another, we ought rather, all other circumstances being equal, to embrace the Negative Precept than the Affirmative, according to the common opinion of Divines.* And this again is, we ought because we ought. And this is all we have from first to last, and which, I think, needed not have been brancht out into so many particulars. For though we had never heard of the higher and lower Hierarchy, the Spiritual and Temporal Court, the More and the Less, the Affirmative and the Negative, we could well enough have understood in two words, *We must because we must.*

What follows *Sect. 48.* has partly been toucht before in behalf of the Pope; here 'tis prest against the King. Since Withrington and the rest, says he, *confess that whether the Pope has Authority to depose Kings is yet under debate between Popes and Kings,* Certant Scholastici, & adhuc sub Judice lis est, *Why should the King decide the Question in his own favor?* Sure Withrington and the rest, how little soever they understood the Question, understood Latin better than to render *Scholastici certant* there is a debate *between Popes and Kings.* Which side, of the question proposed, is true or false, is debated among School-men alone; that point was never debated between Popes and Kings. Each were resolv'd of the truth of their own side beyond debate, and thought it, not to be disputed, but defended. You may call their Contests, Debates, if you please; but then the word has quite another fence, than when you apply it to School-men. For there it signifies inquiry after Truth, here a defence, of what they are satisf'd is Truth, by force. I am much mistaken if the King can be named, who thought there was any doubt to be made whether his Subjects were not to assist him, when he had use of their service, even against the Pope, and whatever the Pope would do to the contrary. Not but that diverse have suffered School-men to dispute this matter without check; For which, I suppose, they had their reasons. But when the occasion came, they expected the service of their Subjects, and they had it, even they in whose Territories there was most freedom for these disputes. Pray what harm is there, if our King decide the Question in his favor by words, which all Kings decide in their favors by Arms?

Because this is, as it were, to take possession of the part favorable

unto him; and as long as it is under debate, neither can take possession till the Question be lawfully decided in his favor. I have already observed, that this peremptorily decides the Question in favor of Kings. For to Depose being manifestly to take possession of deposing, the Pope, by this account, cannot Depose; and then the Question, whether he can or no, is plainly at an end. But why cannot Kings decide Questions even in their favor, and take possession of what they judge belongs to them, while there are debates among School-men? I do not think they owe so much deference to the Schools, and suspect the World would go on but odly, if Kings were obliged to expect till Scholars be agreed, which will be never, before they proceed to what they find convenient for the good of the Common-wealth. I had thought it belongs properly to Kings to decide such Questions. Scholars may dispute, and decide as they please; no body needs take notice of their disputes or decisions, farther than as their reasons convince. To what Kings decide, all, even Scholars themselves are bound to submit. Besides that they understand such things better than all the Scholars in the World. The Authority to decide what is, or is not requisite for the safety of the Common-wealth, rests only in them; nor can there be any other, from which the lawful decision he speaks of, can be expected, if theirs be supreme. If another supreme Authority acquiesce not in their decision, it is like to be tryed out by the *Ratio ultima Regum*, if both persist resolute. But their Subjects ought acquiesce in their decision, and for themselves, since their Authority is supreme, they have no body of whom to ask leave to make them.

And for taking possession, that follows Decision of course; though in truth, Kings do not take, but keep possession. They were in possession of the Allegiance of their Subjects before School-men, and before Popes were in the World. Popes would put them out of this possession in certain cases, and some School-men say they may. Cannot Kings keep their own, because others pretend a title? Were it this Gentlemans case, and that the Pope should claim the land he holds by inheritance from his Ancestors, quietly enjoy'd by them time out of mind, I hardly believe he would part with it, for all the debates of all the School-men in Christendom. And yet the King, sure, has a stronger title to his Kingdom, than he, or any private man to his Estate. In short, that Kings cannot decide while School-men debate, nor take possession of what they, who are the supreme Judges of their own rights, judge to be their right, because those who have nothing

to do with judging, make a moot case of it; nor keep possession, because it is called taking possession; seem to me very unreasonable assertions, and for which if any reason can be brought, this Gentleman at this time has forgot to bring it.

The 49 Consideration talks off the Popes *Direct* and *Absolute* Power, and says it is inconsistent with the Sovereignty of the King in Temporals. And 'tis very true, that 'tis indeed very inconsistent. But what he designs by avowing truth, I cannot guess. I hope he does not mean to obtrude upon us the *Indirect* Power in its stead, and persuade us the Kings Sovereignty in Temporals is secured by shifting of names. For the *Indirect* Power is altogether as inconsistent as the other; and should the Pope declare himself Sovereign in Temporals, over any part of his Majesties Dominions, with an *Indirect*, or *occasional* Power, or what name soever you would give it, he would declare a thing as destructive to the Kings Sovereignty in Temporals, as if he declared what this Gentleman says is manifestly destructive. But 'tis not for me to enlarge on this point, while he leaves it only to be guess, whether he meant it or no.

Yet, I think, I may gather out of his Discourse, that since the *Direct* Power cannot therefore belong to the Pope, or Spiritual Jurisdiction, because it is inconsistent with, and destructive of Temporal Sovereignty; no Power which is inconsistent, and destructive can belong to the Pope, or Spiritual Jurisdiction. Wherefore, unless the Power of Deposing, which the Pope claims, call it by what name you will, be consistent and not destructive, neither can it belong to the Pope, or Spiritual Jurisdiction. Now who will undertake to shew, that the Deposing Power is not inconsistent, nor destructive, undertakes a difficult, and, I think, impossible task. For to Depose a King, is plainly to take away his Authority in Temporals: and when Authority in Temporals is taken away, 'tis plain there remains no Authority in Temporals. Now, if the Negative destroy the Positive, not-Authority, I think, must needs destroy Authority: and unless contradictions can stand together, to have, and not to have Authority must needs be inconsistent. 'Tis not a Term which can shift off this matter. Call the Deposing Power *Indirect*, or *Casual*, or *Spiritual*, or what you will, if it be a Power to Depose, 'tis a Power to take away Authority in Temporals, and Power to take away Authority in Temporals is irreconcilable with Authority in Temporals, and much more with *Supreme* Authority in Temporals. Neither is there any Argument

ment which he has brought against the Oath of Allegiance, which may not be applied to an Oath renouncing the *Direct* Power; in case the Pope should forbid it, in the same terms in which he has forbid the Oath of Allegiance. For there would be taking possession, and deciding the Question, while the matter were in debate; there would be disobedience to the Supreme Pastor, in matters appertaining to him, at least which he declares appertain to him; and we are to stand to his judgment, whether they do or no, and so of all the rest. But if we be not bound to stand to his judgment in that case, neither are we in this, and for the very same reasons; because this Power which he does claim by this declaration, is as inconsistent with, and as destructive of Temporal Sovereignty, as the *Direct* Power. Wherefore I cannot see but the dispute is at an end again, and all Deposing Power confuted by this Gentlemans discourse as fully as may be.

Again, when he says, *It belongs to a Sovereign Temporal Prince to determine what is precisely necessary for the conservation of his Temporal Sovereignty in case he be unjustly attacked by another in his Temporals*: This too seems to determine the Question. For the King does judge, that to renounce the Deposing Power is precisely necessary for the conservation of his Temporals; nor can he be said unjustly to attack the Pope in Spirituals by conserving his Temporals, but is himself unjustly attacked in his Temporals, if he be hindered from conserving his Temporals. Wherefore he does no more than 'tis confessed belongs to him. But when the Pope declares him no longer Sovereign in Temporals, I doubt he exceeds the bounds prescribed him even by this Gentleman. For he says, *It does not belong to the Pope, or Spiritual Court, to declare who is Temporal Sovereign of such a Kingdom*, which, I think, is to say, that it does not belong to them neither to declare who is not Temporal Sovereign of such a Kingdom, which is the very thing call'd Deposing.

The 50th Consideration, to shew how willing *English* Catholics are to give any just security of their Loyalty, proposes another form of Oath, rather more expressive, as he thinks, of Civil Allegiance than the Oath in force. And I make no question but he truly thinks as he says, and, as good meaning is All in All, conceive his Expressions, as he means them, may do well enough. But yet, I doubt, he has no more commission from Catholics to offer such a form of Oath, than he had from Protestants to undertake for their sense of things. I should think it more becomes Subjects humbly to acquiesce, where
with

with a safe conscience they can, in what lawful Authority thinks fit to require, than by their proposals direct that Authority what they should require, unless they be called to counsel. Yet had he spoken only for himself, I should not have meddled in his business, but left it entirely to the consideration of those to whom it belongs to judge of it. But since he talks as if what he said were the sense of *English* Catholics, I must needs say, that he has done them no good office in giving occasion to have it thought so. For his form is liable to so many exceptions, such as I for my part cannot answer, that I fear, insted of appearing the loyal Subjects he would have them, they may chance, by sticking to it, be aspersed with suspicions of seeking to delude their King and fellow Subjects. I thought it became me to prevent that mischief, and shew why I conceive Catholics neither do, nor rationally can insist upon his Form; though if he can get it approved by those to whom it belongs, I should, and believe all would readily submit to their Wisdom and Authority.

His first clause is for substance the same with the first clause of the Oath of Allegiance, though the expressions are not altogether free from exception. For *Kingdom* is not so much as *Dominions*. But, that I think happened only by inadvertence, and might soon and easily be amended.

The second is, *That they renounce all power whatsoever, Ecclesiastical, or Civil, Domestick, or Foreign, repugnant to the same.* There being no word in the former clause, to which this *same* can handsomely relate; the sense would be express with more clearness. But what is more material, is, that by these general expressions, it cannot be understood, what it is which is renounc'd by this clause. Does it renounce the Ecclesiastical Foreign power of the Pope, in as much as it pretends to un-king the Kings of *England*, or does it not? If it do, why should the clear expressions of the Oath be waded, and dark circumlocutions put in their stead? If it do not, but reserve the deposing power as not repugnant to the Kings, what security do the big words of this clause offer, when they renounce not that, which the Wisdom of *England* has judged repugnant to the King's power, and security too, and ordered to be renounced.

Again, who shall be Judge of this Repugnancy? If the King, as one would guess by his former Consideration; He has already judged the deposing Doctrine repugnant. If any other, what security shall the King have, that the judgement shall be according to Truth, and that.

that what he, who is the only proper Judge, Judges repugnant to his power, shall not be judged not-repugnant. And besides, because one may pretend of anything, that it is not repugnant, till it be judged repugnant, nothing at all is renounced till Judgement be past. And when will that be?

The next Clause is, *That they confess themselves obliged in conscience to be as obedient to his Majesty in Civil Affairs, as true Allegiance can oblige any Subject to be to his Prince.* And here again we are left in generals, and left in doubt what this true Allegiance means, and to what it obliges. Who should think that Allegiance to a Deposed King is not true Allegiance, because he is no true King; or that the Majesty, to which they were obliged, were taken away by Deposition, and their obligation with it; or that true Allegiance does not oblige any Subjects to obey a Deposed Prince; would not break his Oath, though he should not only disobey, but fight against his King, when the Pope had Depos'd him. So that it may very well happen that this true Allegiance, as handsomly as it sounds, may yet signifie no Allegiance at all.

There follows a promise, *to bear inviolably, during life, True Allegiance to his Majesty, His lawful Heirs and Successors, and to defend them against all attempts whatsoever, which shall be made against their Rights, the Rights of their Persons, Crown, or Dignity, by any person whatsoever, or under whatsoever pretence.* This seems to bid fair, and yet the manifest change of the Expressions used by the Oath of Allegiance, is apt to alarm suspicious people. For why should attempts against the Kings Person, Crown, or Dignity, as it runs in the Oath, be changed into attempts against their Rights, and the Rights of their Persons, Crown, or Dignity? By this alteration we are left to dispute whether an attempt against the King, be an attempt of his Right; and who thinks he has no right, after the Pope has Depos'd him, plainly promises nothing, but remains at liberty even to attempt against him. There are, if I mistake not, who maintain that a King Depos'd by the Pope is no longer King *de Jure*, but only *de Facto*; an Opinion which is thought, and is indeed, repugnant to the Authority of Kings. This Form affords it so much countenance (though, perhaps, but casually) that I cannot think he has befriended Catholicks in using their name to an offer so little becoming them.

In the next place they promise to *use their best endeavors to discover*

to his Majesty or Ministers all treacherous Conspiracies. And this is well, provided that by *Treacherous* he meant what the Law means. For if any should think these Conspiracies not treacherous, which are made by Authority of the Pope against a Depos'd King, he might be an arrant Traytor without breach of his Oath. Lastly, They renounce the Doctrin which maintains, That *any private Subject may lawfully kill the anointed of God, his Prince*, a Clause which, as bad words as it gives that Doctrin, is not very satisfactory. For a private Subject may be said changed into a publick Minister, if he act by Authority. And then, to kill the *Man*, may be said, is not to kill the *Prince*, if he cease to be so by deposition. To these, and, perhaps, as many more Exceptions, the several Branches are liable.

But now to look upon it in gross, nothing could be more improper for what he designs by it; which is to shew that Catholics are Loyal, and ready to give security of their Loyalty. *English* Catholics were never suspected of Disloyalty by any body, but only in one case, when their credulity might be deluded by pretence of Religion; an abuse to which all Nations and all Times are subject as well as they. The powder Treason, to use almost the words of King *James*, plotted by Papists, out of a preposterous Zeal for the advancement of their Religion, and which had blinded some of them to that degree, that even at their death they refused to acknowledge and ask pardon for their fault, gave occasion to the Parliament to use all means of Tryal, whether any more of that mind were yet left. They devised the Oath of Allegiance to make a distinction between Papists of quiet disposition, and in all other things good Subjects, and such other Papists as in their hearts maintained the like bloody Maxims, that the powder Traytors did. All the Disloyalty then, which is laid to our charge, is maintaining the Maxims of the Powder Traytors; in other things we are plainly acknowledged good Subjects.

Now would I fain know, what this Form of his contributes towards clearing this only charge against us. There is not one word of the Pope; and if he, as I think he is, be always understood excepted, unless he be expressly named, as not comprehended in any how general expressions soever, one may believe of him all which those Traytors believed, and act all they acted, and have no check all the while from any thing sworn in this Form. There is not one word of the Deposing Power, the only cause of all the jealousy people have of

us; which a man may hold, and practise all the Disloyalty which may proceed from it, and swear all the Loyalty contain'd in his Form, and never break his Oath. In short, there is not one word whereby it may appear that those, who swear Allegiance in this manner, do not maintain in their hearts, and may not practise upon occasion the same bloody Maxims, which the Powder Traytors did, and against which the wisdom of the Nation thought fit to require security. And, I think, none, but he that has lost his reason, can think they had not reason to do so. Wherefore, as far as I can perceive, as well as he intended by his Form in behalf of Catholics, what he has done is to leave all the Disloyalty, ever charged upon us, still sticking: and expose those, who stand resolutely to it, to the suspicion of being as bad as the worst Powder man of them all, which is a great injury to them, and a greater to Religion: as if that did, or could hinder them from giving good evidence that they are not as bad as Traytors.

The 51 Consideration has nothing which needs detain us. The Case which he supposes, when it happens, would be as he says. But when he applies what may be, to what is, he takes for granted that there is something doubtful, or false, or some glance at Religion in the Oath of Allegiance, and something more than Civil Allegiance. Which he must prove, if he would have those believe, who can find no such thing of themselves. To be perpetually stunn'd with the noise of Civil Allegiance, and meer Civil Allegiance, and never be shewn what there is besides in the Oath, will sooner deafen than convince us. No Catholic, who has taken the Oath, ever thought of giving any Spiritual Prerogative to the King by it, or taking any from the Pope. Nor can any man else see any thing there, but a profession that Subjects are oblig'd to stand by their King with their Lives and Fortunes, as the Laws of God, and Nature, and the Land require, and this whatever is pretended for the Pope to the contrary. This necessarily implies, that the Pope cannot Depose; for if he could, he would take away the obligation which Subjects have to stand by their King, which is the only thing call'd Civil Allegiance. Wherefore since he who professes the Pope cannot take away the obligation of Civil Allegiance, professes no Spiritual matter, but barely his tie to perform Civil Allegiance, and nothing else, and the Oath contains nothing but this substance brancht into several particulars: I cannot perceive any colour of maintaining that the Oath contains more than meer Civil Allegiance.

ance. Who will say otherwise, must of necessity say that Civil Allegiance, in case of Deposition, is not Civil Allegiance: which, I think, is plain contradiction.

SECT. 52. He objects against himself the Authority of *France*, which he takes a great deal of pains to shew has never approved the *English* Oath of Allegiance. I know not why he would put himself to all that trouble, to confute no body. For he acknowledges that his Adversariys do not pretend any such thing, as indeed it were not reasonable they should: every body knowing that the *French* Nation never had authentically approved our Oath, and few expecting that ever they will.

For one Nation does not use to meddle with the Acts of another, except with such as they find to their prejudice: and if they did, perhaps would have but small thanks for their labour. The World is something jealous, and apt enough to suspect, where Neighbours thrust themselves unnecessarily into their Neighbours concerns, that they seek their own good more than theirs. Besides, who can tell whether the *French*, or any other Nation, may not be well enough content, to have the deposing Doctrine take root any where, but among themselves? It has afforded pretences, of which people have taken hold to their advantage. As long as they provide for themselves, I can hardly think they will be forward to renounce any opportunity of advantage, which others take. Whatever be their reason, 'tis certain, there is no National Act of that Kingdom, which has approved our Oath of Allegiance, nor was it ever pretended there was.

What has been pretended, is, that within the body of the Catholic Church there are, and those considerable both for number and quality, who openly in the face of the World disown the deposing Doctrine: and that without reprehension, remaining good Catholics, and acknowledg'd for such by all other Catholics, even the Pope himself. And so much is evidently true. From hence, people upon occasion draw such consequences as they find to their purpose.

These, I conceive, are undeniably plain: That the deposing Doctrine is not a point of Faith: That who denies it, does not stand alone: And that, who refuses the Oath of Allegiance only for denying that Doctrine, refuses it for a reason which many Learned Men judge to be no reason. It is like enough he may find it to be no reason himself, if their Authority move him to examin what they

have to say for themselves. And he may also find that there is nothing as material objected against the Oath. And so their declaring against the deposing Doctrine may be, and is an approbation of the Oath, to him who sees there is not any thing besides, for which it can rationally be disapproved. But otherwise, standing purely to the force of the Terms; *They have declared against deposing, therefore they have approved the Oath*; is a consequence which no body makes, and whereof he needed not so often inculcate the weakness.

There is enough to be said on every Consideration; but while none hits the mark, I think 'tis lost time to measure how far every shot is wide or short. Only whereas he insinuates as if the Authority of France might be alledged against the Oath: because in an Assembly of the Estates, an Article propos'd by the third Order against deposing Power was rejected: I must intreat his good leave to believe, that in such Assemblies things are not carried altogether in the same manner as in Schools. *True*, or *False*, is not the only matter in which they are concern'd. They look as much, perhaps more, upon *Expedient*, or *not Expedient*. That the Assembly judg'd it unfit to enact the Law propos'd, appears by their rejecting it. And if there were nothing else, there was this to make them judge so, that they had lost a Friend of the Pope; with whom perhaps at that time it concern'd them to hold good correspondence. But that they judged the Article false, we cannot know unless they had enacted the contrary. What Cardinal Peron said to them on that occasion, if he said what goes about in his Name, every body may easily see, and judge of. If this Gentleman think his Arguments efficacious, he may make use of them if he please; and shew us, what we cannot see of our selves, that they are so. In the mean time, who thinks they judged the Article, which they rejected, false, must of necessity think they judged the contradictory true. Let him who thinks so, make the experiment, and maintain the contradictory in France, viz. *That there is some Power on Earth, which has right over the Dominions of the Kings of France, to dispose them*, &c. and if he scape the Fate of *Bellarmin*, and *Suarez*, people will be more dispos'd to be of his mind. But I am much mistaken, if publick Justice do not convince him, that they are for the Doctrine of the Oath of Allegiance, and neither rejected their own, nor forbear to approve ours, for any thing said in either, against Deposition.

Of this, it seems, this Gentleman was aware, and therefore Num. 57. begins to find what other faults he can with the Oath. The first is the word *Heretical*, an Inn at which every body baits. He touches the sore wondrous gently, saying only, *it seems hard to censure, &c.* as if things did not often seem other than they are, and the greatest Truths were not hard enough sometimes. Since he does not give any reason so much as why it seems hard, I conceive it will be enough to refer the Reader to what I have said of this matter in the second Treatise: where he will find that *Heretical, or not Heretical*, is not the point, but *Depose, or not Depose*. Who allows the Pope cannot depose, cannot avoid allowing that the proposition, renounc't by the Oath is undeniable and unexcusable Heresie, and that even in the principles of those who are against the Oath. There in truth it only pinches, the rest has no difficulty but what we make our selves. What he adds of *censuring the Defenders*, is a consequence of his own making, with which the Oath meddles not, and which therefore need not be made, whatever it be when it is. And yet I see no great harm would come of it though it were. To censure Men of esteem, and that deservedly, for Hereticks, or as bad, sounds indeed scurvily. And I suppose he meant to work upon the aversion which we naturally have from doing so. But when this *Heresie* with its frightful sound, signifies no more than material Heresie, it will hardly amount to a reproach. At least many an honest Man is liable to it, such as it is, and peradventure few, even among the most Holy, and most Learned, entirely free.

The next *Sect.* pretends it cannot be sworn with Truth, *That neither the Pope nor any other can absolve from the Oath, when the King may absolve from it*, by laying down the Government, or passing away, or losing all, or part of his Dominions. By the sincerity which is to be expected from one who writes for the satisfaction of peoples Consciences, does he himself truly think this is the Absolution meant, and renounc't by the Oath? Does he think Protestants so ignorant, as not to know such Cases may happen, and so wicked as, when they take the Oath themselves, to swear that what they know may be done, cannot be done? He knows as well as any body, that his Cases have nothing to do with what he himself, and all the World besides understands by Absolution. Not but that the Obligation of obedience to a Prince may cease by such ways, and a great many more. Death may take away, or sickness render him incapable

pable to govern: and I cannot obey him who is not, or who cannot command. But if this were Absolution, *Ravillac*, or any body as wicked as he might, absolve too. If he will by way of Metaphor apply the word *Absolution* to such cases, he may if he pleases. But when he knows the Oath does not mean so, he must needs know too, that his Absolution and the Oath's Absolution agree no more than Absolution and not-Absolution, and that such difficulties are a great deal more likely to perplex than satisfy our Consciences.

The 59 Consideration has a very surprizing exception against the word *Heartily*. It seems he finds reluctance himself, and measures other folks Corn by his own Bushel. Otherwise, that people should boggle at doing their Duty heartily, is very strange. Here again it pinches just where it did before; the Exception in truth being, not to the *Heartily*, but the *Duty*. For who believes the Oath contains nothing but Allegiance, must believe it his duty to take it, when legally required; since none can doubt but to profess and give security of his Allegiance, is as much his duty as to perform it. Who think otherwise, may indeed be startled at the word *Heartily*, but 'tis because by mistake they judge what does belong to their Duty, not to do so. Wherefore they should set the Saddle on the right Horse, and instead of blaming the Oath, blame their own thoughts, and those delusions which have caus'd them. For sure they cannot expect a Prince should be well satisfi'd with those who obey his just Commands grudgingly and repiningly.

But why must every body needs feel a reluctance in this business? Because, says he, *they are forced to swear, to preserve advantages, or avoid penalties*. As if all Laws, both of God and man, were not inforc'd upon us in the same manner. Heaven and Hell are set before our eyes to allure us to obey, and fright us from breaking the Commands of God. Temporal Rewards and Punishments are propos'd with the same design in human Laws. According to him, neither One nor Other could be obey'd heartily. Then *great Difficulties have been raised, and many Learned men are against the Oath*. This we shall believe when we see it. If those which he calls great Difficulties be such as we meet with here, he must pardon us if we have not the same opinion of them. For to us they appear very slight. And for the Learned men he speaks of, 'tis true, that diverse who have the reputation of Learning, and who in other matters may deserve it too, for ought I know are against the Oath. But we can see nothing in
their

their Arguments answerable to that reputation, and suspect when they came to treat of this point they left some of their Learning behind them. However it be, sure I am that Reasons have force from themselves, not their Authors. A good one is a good one out of *John Porter's* mouth, and a bad one a bad one out of *Aristotle's*. I shall be easily brought to believe, he is a Learned man who proves what he says; but if he do not prove what he would, let him be as learned as he will, I conceive, he deserv'd not that name for what he has don in that point. As for the share which the Supreme Pastor has in the business, I hope enough has been said already to shew he has don nothing which can hinder a man from taking the Oath very heartily.

Unless the Proverb be false, and every Wood will serve to make a Mercury, one would not have suspected the Objection he has found, *Sec. 60.* The Title of the Act, wherein the Oath of Allegiance is inserted, being *For the discovering and suppressing of Popish Recusants*, it seems thereby, says he, to be insinuated that the taking this Oath is made a denial of the Roman Catholick Religion. 'Tis well for him this is not true; if it were, Catholicks would be obliged to take it as fast as they can. For if to take the Oath be judged to renounce Catholick Religion, the Doctrin renounc't by the Oath would certainly be judged to belong to Religion. And then to refuse the Oath would be to declare that the Deposing Doctrin is truly a part of Religion. This peradventure he may with a safe Conscience do, who believes that Doctrin to be an Article of Faith, if he can acquit himself for believing so. But for the rest, if they consent to it, they consent to have it thought their Religion teaches, not only what it does not teach, but what they judge in their Conscience is false, and pernicious. And that is to be manifestly guilty of scandal, and the greatest of scandals, to Religion; in which, I think, no Pretence, nor Authority, no nor of an Angel from Heav'n, can bear them out. Wherefore either all must hold the Deposing Doctrin is a down-right point of Faith, (as indeed it sticks only there all along) or what he has said to frighten from the Oath, is the strongest Motive that can be to take it. No Catholick who thinks otherwise, being able to answer it at the great day, when it is made a distinctive sign of his Religion, to allow that his Religion teaches false and pernicious Doctrin, if he do not unmake that sign, by all the ways he can, and undeceive his Neighbors, and remove the scandal.

But

But I must own the Truth, and say there is no such thing, as what to him seems to be insinuated. And it is the stranger he should mis it himself, when his next words acknowledge, that *other things are contained in the Act, which do contribute to the discovery of Popish Recusants.* For this methinks might have insinuated, that the Title may properly enough relate to those other things. Yet the Oath being inserted among the rest, he will needs have this *complete the discovery of them.* As if it were not usual for things of several natures to be inserted into the same Act, or one Title would comprehend All, without being as long as the Act it self. Besides, when a Bill is brought into Parliament, it is often so altered upon debate, that little remains of the first draught, besides the Title. But the matter is not left to our incertain guesses. The end design'd by the Oath is expressly declared to be, not to discover Catholics; but, *for the better Tryal how his Majesty's Subjects stand affected in point of Loyalty, and due Obedience.* And when an Act explains it self, there is no room for private Glosses; which if they say the same, are needless; the sence of the Act being plain before; and if they differ, must needs wrest and injure it, and ought not to be heard against publick Authority.

But he concludes, that *'tis not lawful to do any thing which is by publick Authority made a denial of true Religion, or a distinctive sign of a false one.* 'Tis strange he should think by dint of Argument to make that pass for a distinctive sign, which he himself, and all the World besides knows is not a distinctive sign. Can publick Authority be thought to look upon those who take the Oath, as not-Catholics, which treats them still as Catholics, and keeps them liable to all the penaltys to which Catholics are liable? I must confess I wish it would think fit to do otherwise. For I think Laws would not be the worse obey'd, if people were encouraged in their obedience. But this I humbly leave to their Wisdom. Does he or any Man think those Catholick Lords who took the Oath, deny'd their Religion, and are not Catholics still? Do not we find our selves actually bred up Catholics by our Ancestors, who by taking the Oath in former times according to him, were all turn'd Protestants? It is very unexpected that insinuating, and that but seemingly, should improve at last into a confident assertion of what is so notoriously not true; and a very unlikely means, I think, for the satisfaction of those who desire information.

The

The 61. Consideration, excepts against some ambiguous expressions in the Oath, but tells us not which they are. Now all my fear is, that the true exception is, that they are too plain. The exception which the Pope, and those who write against the Oath in places where they may speak freely, take to the Oath, is not ambiguity. Here it is a less offensive pretence, than downright maintaining the deposing Doctrine: and because it carries some shew of tenderness of Conscience, finds those who sincerely love Peace, dispos'd to gratifie it. For which reason, I suppose, the Authors he cites, say what they did. But when this ambiguity comes to be examined, as far as I see, the substance of the Oath is meant by it; and, till the security which the Wisdom of the Nation has thought fit to require, be taken away, either that, or something else will always be pretended. If it truly stick with this Gentleman at ambiguity, let him, if he please, say more plainly what he knows, as ambiguous as it is, the Oath means; and then blame the Oath freely for me. But till then, 'tis an exception against I know not what; and of any should not be made by him, who, instead of this ambiguous Form, offers another more ambiguous a great deal.

He closes this matter, *Seet. 62.* with a pair of exceptions more, whereof the first is easily compounded. For the Oath requires no more than what he stands upon, That what is sworn be true in the Conscience of the Swearer, and goes no farther. The point having been already discoursed in the second Treatise, it is needless to discourse it over again. The second is, *That there is no necessity of Swearing, or any good to be got by it.* As if any obligation impos'd by Law, and requir'd by the Magistrate, were not necessity enough to justify the taking of an Oath. And as if more good were to be expected from it, than the discharge of our duty. Though if there were, Liberty, I should think, and Estate may pass for Goods, among those who are not too scrupulously nice. But it becomes not Subjects to stand capitulating with their Superiors, what they shall get by their obedience before they obey. And this too has been toucht before. Then he concludes, *That the Authority of France does not clear nor touch the aforementioned difficulties.* To which I shall only say, he much over-rates his difficulties. There needs no Authority of France, nor any place else, to clear what has nothing to be cleared; as I think every body will see these, he calls difficulties, have

not. Wherefore he must permit me to conclude from these very difficulties of his, that there is no true difficulty against the Oath, but the perswasion that the Pope can depose. For since for our satisfaction he has made it his business to find other difficulties, and gathered together as many as he could think of, and produces none but these; we have reason to think there are no other; and these we can, without Spectacles from *France*, see, with our own eyes, are not difficulties.

What follows in several Paragraphs, is but the same over again: That his difficulties have not been toucht, nor the Oath in particular approved; and then the difference betwixt swearing positively, and Teaching or Exhorting. All which have been discours'd already. His *Probability*, which, *Self. 66.* he says, ceases by a sentence of the Supreme Judge, I leave him to dispute with the Curates of *France*. It is a point in which I am not vers'd, nor mean to be. All I swear in the Oath of Allegiance, is, to my best Judgement true, and so much serves my turn. What becomes of the *Probable* I am not concern'd. The case he puts, *Self. 67.* determined by Supreme Authority, is very true; but when he applies it, he supposes the Pope is the proper Judge of our question; which, to our apprehension, since it concerns the Authority, and Security of the King, belongs to the King. Methinks it would have done well if he had proved his supposition, before he had insulted over the Defenders for *Losing Talkers*. 'Tis well for them, that the Impugners were gainers by it. For our parts so we lose not the Testimony of a good Conscience, we shall be contented with our lot. But 'tis strange to me this Topic should return so often. We never were condemn'd more authentically than the Jansenists in *France*, nor did the Oath of Allegiance ever make so much noise and bustle as the *Five Propositions*, and the *Formulaire*. And yet those Heretical Jansenists, have liv'd to see themselves thought and created as good Catholics again, without discarding any opinion they had. And when Providence pleases, we for all their big words may be on the right side, and think still as we do. In the mean time, if the Pope have given sentence for the Impugners, the King has done the same for the Defenders. If the Question belong to his Tribunal, the Defenders after all are the gainers, and the Impugners take the Losers leave to talk.

And I should think, as much reason as they have had to forbear Printing, it may be worth the while to shew it does not belong to his Tribunal.

Tribunal. For otherwise whether a King can be un-king'd or no, a body would think at first sight does something concern a King and his Tribunal. However, it would be a better reason for Printing than he gives, *viz.* to get the Oath condemn'd, which every body knows was condemn'd before Pen was set to Paper.

I should be unconcern'd in the 68 Consideration, if the Discourse did not seem to unravel what is weaved in answer to the *Second Treatise*. These two Oaths, he says, are very different: *I judge the Pope has no Power*, and *He has no Power*. This is true, and yet that difference hinders not the second from amounting to *I judge he has no Power too*. But in the former way of expression, the judgment may, and is understood to be slight, and unsettled, and conscious the object may be otherwise than as 'tis judged. And this they mean who say, *I think such a thing is true, but will not swear it*. In the second way, the judgment is firm, and for as much as the swearer is conscious, absolutely certain the object is as 'tis judged. And so, because what is *seen*, *is*, it is all one to say *It is*, or *I see it*. Yet even when I say *It is so*, I am not understood to say more than *I judge it is so*, with a firm, and to my conscience, certain judgment, because all the World knows I can say no more. For I cannot say *It is*, but in virtue of my sight that it is, and that sight is my judgment.

'Tis not then, as I conceive, the matter alone, but the matter *as seen*, which is the object of positive Oaths; and the judgment always makes a part, and a principal part of the object. For the matter may be true, and I be perjur'd by swearing it, if I judge it not true; as likewise the matter may be false, and I not perjur'd by swearing it, if I judge it true on sufficient Motives. Whence, I think, 'tis plain, that the Judgment, not the matter, is the principal thing in Oaths however expressed. What he says to the contrary, *That 'tis possible one should swear false, thinking he swears true*, which could not be if the Judgment were the object, because every one certainly knows his own Judgment is true, or, not true, as he understands *Judgment*, and *Swearing false*. If by swearing false be meant, that the matter sworn may be false, undoubtedly he may swear false who thinks he swears true. But if by swearing false, be meant Perjury, then who thinks he swears true, provided the grounds of such thinking be warrantable, cannot swear false. Again, by *Judgment* may be meant such a one as he mentions, which so judges the matter sworn is true, as probably to know withal that it may be otherwise. Who swears in

that manner that a thing is positively true, not only may, but is always in danger to swear false, and therefore I think, with him, cannot swear without an affront to God; though he knows we have grave Authors against us, who will have probability serve turn. But if the Judgment neither know, nor doubt any probability, or even possibility that the matter sworn may be otherwise, and be settled on Motives which render his mistake, if he do mistake, unblamable before God and Man, I conceive he cannot be guilty of Perjury, or affront to God, who swears even what after appears false. Much of this has been said already, and perhaps needed not be repeated now. For after all, what he assumes at last, That *we are* in the Oath of Allegiance bound to swear positively that the Pope has no such Power, is confuted by the express words of the Oath, which plainly relate to the Conscience, and Belief, or Judgment of the Swearer.

The three following Considerations have little to do with the business; no body, that I know, making the Consequence which he says is weak. I can only wonder in passing, what Adversaries he means by those who seem to have an eye to the Articles of the Faculty of Paris. *Witbrington* was dead, the *Reflections*, and *Questions* writ, before those Articles appeared. I suppose they were no Prophets to have an eye to future things, and which were not yet to be seen. The Jesuits, too, are brought in, unreasonably enough in my opinion. Concerning whom I shall only say, that if what he tell us be true, That *who among them should teach the Deposing Doctrine would be severely punished*; They are wrong'd to be made the Authors of these Treatises.

Sect. 72. He begins to speak of the condemnation of *Santarellus*, a subject which takes up several Sections. What he says here, is, that interpreting that Decree, as some do the Oath, *as erroneous, &c.* may signify *as bad as erroneous, &c.* and so the Doctor; who condemned *Santarellus*, cannot be concluded to have thought that Doctrine erroneous; nay may be concluded to have thought it not erroneous. I conceive those Doctors are to be askt what they meant by their *As* in their Censure, and the Parliament in the Oath, not knowing who else can tell. But whatever the Parliament meant, if it were put to his Conscience, I do not think he believes in earnest the Doctors thought the Doctrine, which they condemn'd as erroneous, was not erroneous. I conceive also, that since he dislikes this interpretation in his Adversaries, he might have forborn it himself, especially knowing that

Witbrington.

Witbrington, though he borrow'd that Answer from the Doctrin of Bellarmin, yet relys himself more on another.

Sett. 73. He says the Censures and Propositions being several, it does not well appear which falls upon which. The Censure runs thus: *The Faculty disapproves, and condemns the Doctrin contained in those Propositions.* Which, since there is no *Respective* to render the fence indeterminate, signifies, I think, that all the Censures fall upon the Doctrin of all the Propositions. Yet it seems incredible to him that those Learned men should so hardly censure this Proposition, which makes one among them: The Pope may with Temporal Punishments chastise Princes for the Crime of Heresie, seeing the Pope, or any Confessor may impose some Corporal and Temporal Punishment; for example to give Alms, or build an Hospital, upon an Heretical Prince who should come to be reconciled. Truly he is something harder of belief than St. Thomas himself, if he cannot believe that may be done, which he sees is don. He may dispute it out with them if he please: To me his Reason seems as strange as his Incredulity. Those Penances which repentant Sinners receive from their Ghostly Fathers, and perform of their own good will, I think are not understood by the word *Chastisements*. If you will call them so, the penitent chastises himself, but is not chastis'd by another. And should he not be willing to do them, neither Ghostly Father nor Pope could take away his Mony, to spend in Alms, or on an Hospital. I think there is no Defender of the Oath, nor any man in his wits, who denys the Pope may chastise, if you will needs call it so, any Prince with the loss of his Kingdom for Heresie, or any thing else, whom he can perswade voluntarily to part with it. But if he will keep it, how it should be taken from him in spite of his Teeth, by a Power of imposing Penances, by which not so much as a single penny can be taken from any man without his consent, is beyond our understanding. Besides, Chastising a Prince for Heresie, signifies proceeding against one actually guilty of the fault. When the Proposition speaks of such a one, who would have thought it had been to purpose to speak of one who comes to be reconciled, and by doing so declares he is not such a one? Because the one may be injoy'd whatever is for the good of his Soul, will it follow, the other may be depriv'd of his Temporal Rights?

The 74 *Sett.* tells us, *Spondanus* says, the Book of Santarellus was forbid at Rome, before it was forbid at Paris; as if it imported whether it were or no. I can say nothing of that Prohibition, having

never seen it. The Authour of the Preface to these Treatises it seems has. He is his Man, if he have a mind to make a business of it. He adds out of the same Authour, that *the Animosities of the University of Paris, arose from some hidden seeds of Schism*: A story which does not tell well. For if they were hidden, how came *Spondanus* to see them? There appears nothing but the censure, and I hope he has not a mind to asperse the Court of *Rome* with seeds of Schism, by making the prohibition of *Santarellus* a sufficient cause for the suspicion. What he gathers from those promises, has been so often said, that I am quite weary of repeating. No body infers the University of *Paris* is for the Oath. But every body, that has eyes, sees they cannot be again the Oath, for renouncing the deposing power which they renounce themselves: And that other quarrels against it are too frivolous, to trouble so famous an University with them.

The 75. *Self.* would have the *Paris* censure understood of deposition for slighter causes, or at most for Heresie in the Princes themselves, without enforcing it on their Subjects. And this he says, is different from our present case, because we swear in the Oath of Allegiance, the Pope cannot depose a Prince for any cause, even though he persecute his Subjects into his own Heresie. Undoubtedly, whatever the Title say, he was no Jesuit who writ this. For to except against the Oath, because it renounces deposing Power in all cases, is to teach it in some; and that he has told us is punishable among them. I hope he does not expect a point of such consequence should be yielded on the credit of his word. When he brings his proofs, we shall see how far they will carry. In the mean time, the censure speaking so plainly as it does, I conceive it very needless to inquire, what it means, of Comments less clear than the Text. The 76. *Self.* distinguishes betwixt *Heretical*, and *contrary to the word of God*; of which whatever be the Truth, it concerns not us. For what is in the Oath renounc'd as Heretical, is undeniable, and unexcusable Heresie, unless the deposing Doctrine be true. Who says it is not Heresie, must of necessity say his King is subject to a superiour power, which may dethrone him: And that I conceive is a Doctrine no more current among other Men than among the Jesuits.

These are the Considerations he makes on the censure of *Santarellus*; not likely, as far as I see, to pull down the price which his Adversarys, he says, set upon it. For 'tis a plain case the Doctrine of the

the Impugners of the Oath is condemn'd by that censure; not in generals, as the Oath, and Writings of the Defenders, but particularly and expressly. As great as the cry is against it, I do not know that so much can be said of the Doctrine of the Defenders. Their Books indeed are some of them condemn'd, and people guess they are condemn'd for that Doctrine. But till I see it, I can hardly believe this Proposition, *The Pope cannot depose*, which is the sum of their Doctrine, has ever been authentically censured for erroneous, contrary to the word of God, &c. And yet in so many Universities as there are in Christendom, it is much if there be not some ready enough to gratify the Pope in such a business, if he should desire it. But at Rome, where they understand the World better, I durst wager they neither have, nor will in haste, be Authours of such a censure themselves.

Having already in the second Treatise met with the great mistake he talks of *Señ. 77*. I think I have said enough there to show it deserves not to be repeated. The rest has no difficulty. In the 78. he undertakes a business, with which if he can go through, he shall have it, by my consent, of all that ever writ against the Oath. 'Tis to shew, *That an Indirect, and conditional Power to depose Kings (which some ascribe to the Pope in certain cases) is not inconsistent with Prerogatives claim'd by the French King, and confess to be in the King of England.* His reason is, *because every King has an Indirect and conditional Power, or Right, to wage War against any other, and depose him, and absolve their Subjects from their Allegiance to him, if the War be just. And the Pope being a Temporal Prince as well as the rest, has the same Power, or Right which others have.* I cannot tell which of the two is more surprising, the thing to be proved, or the proof. Those who have hitherto appeared for the *Indirect Power*, have deriv'd it from the office of Supreme Pastor in the Pope; and the impossibility of executing it as it ought, without the power of deposing: and therefore, rejecting the Temporal Power of the Canonists, will needs persuade us it is Spiritual, even when it meddles with Temporals. This new Invention derives it from that rank which by time and accidents, out-vy any Commission from Christ, Popes now a days hold on the World, and leaving the Pope, considers only the *Temporal Prince*. As if this were that, which the Defenders of *Indirect Power* ascribe to the Pope, or what he has in virtue of his Temporalities could be thought Spiritual.

Poor

Poor St. *Peter*, and those Popes who were not Temporal Princes, are now quite out of dores; and methinks 'tis the oddest thing in the World, the Pope should claim as Successor to St. *Peter*, which has hitherto been the pretence, by an Argument which leaves St. *Peter* no claim at all. These variable Symptoms, in my opinion, make but a bad Prognostick for the Indirect Power. For sure it stands but tottering, when people cannot tell on what bottom it stands, whether Spiritual or Temporal.

The point it self has been discours'd before, and the equivocation is so obvious, that I wonder to see it return again. The power which Kings have over one another, signifies nothing but strength; and what he calls Right, is only Reason, which directs them when and how to use it. Such power and right as this every stronger man had over a weaker, when no man had power or right over another, in the state of Nature, before the foundations of Power and Right were settled. What is understood by that word, by those who are for the *Indirect* Power, implies a relation of Superior and Inferior, whereof one is to command, and the other obey in vertue of that command. So they say the Pope, as Supreme Pastor, has the relation of a Shepherd to his Sheep, and Kings belonging to the flock as well as private men, may command them as well as others. And thus much even Catholick Kings confess to be true, if his power be confin'd to that notion in which he is Pastor. But the Indirect-power-men extend it to Temporals, and say it belongs to the office of Supreme Pastor to dispose of his Sheep in things wherein they are not his Sheep. Whether they say well, or ill, which is not now our Question, they plainly maintain a relation of Superiority, and make the Popes Power consist in it. That this Power is inconsistent with the Prerogatives of Sovereign Princes, he has saved me the labor of shewing, by making the Power, which he says is not inconsistent, another thing: And though he had not, 'tis plain that Sovereignty is not compatible with a Superior. There remains only to be considered, in which of the two senses the word *Power* is understood in the Oath of Allegiance.

And this, I conceive, so clear, that I should be content to put it to this Gentleman himself. For I cannot believe he thinks so extravagantly of the Framers of the Oath, that they ever dreamt of obliging us to swear, that the Pope cannot drive our, or any King, out of his Kingdom, if he be strong enough. He cannot think those who take it so wicked, as to swear that cannot be don, which they know

know as well as he, may be don, whenever the Pope comes to be stronger than the King, and will employ his strength that way. He cannot think the wisdom of a Nation, which for their own sake he should not think altogether foolish, should solemnly vote, and oblige all to swear, a Foreign Prince cannot assemble an Army strong enough to over-power us, and think of keeping it out by Oaths and Acts of Parliament. The Oath seems plainly enough to explicate the Power, which it renounces, of Authoritative Power, by the word *Authority* joyn'd to it: but though it had not, I cannot see how it can be understood otherwise, without a very highly prejudic'd animosity against the Oath, to say no more.

I, but the Proposition is negative, and by consequence denies all Power whatsoever. As if the words were not always to be understood *secundum subjectam materiam* as they call it, according to the matter of which they speak, whether the Proposition be Negative or Affirmative. *No man is immortal*, is a Negative Proposition, and very true, though after the resurrection all men are immortal. He who should make this exception when every body knows of what men the Proposition speaks, would be thought a Caviller for his pains. Again, *All men breathe*, is a true Affirmative; and yet Children in their Mother's womb, and painted men breathe not. And painted men (for of children there is no difficulty) are as truly men, as the power of Temporal Princes is the Deposing Power the Oath speaks of. But all this difference may be easily compounded. Let him but swear, and that only according to his Conscience and the best of his Judgment, that the Pope has no power to Depose, with a plain declaration that he means not by his Oath to exclude any power which the Pope has, as a Temporal Prince, but only that which some ascribe to him as Head of the Church, and I am much mistaken in Protestants, if they do not accept his Oath, and desire no more. But if he refuses this, people, I suspect, will be apt to think what he says here is not that which truly sticks, and that 'tis with the Oath, as Sir John Suckling's Watch, so it be wound up, no matter by what hand or trick.

As to the Question he cannot but ask, Sect. 79. I must acknowledge my ignorance. I understand not King-Craft, and the Laws of Peace and War enough, to be able to answer it, and resolve him whether Religion be a just cause of War. I think Divines are not agreed about it, and I have the less curiosity to study the point, because I apprehend it not a jot material. For that a King may be dispossess'd by the

Pope, either alone, or leagued with others, is, I conceive, as much as needs to his purpose. Whether the War be just, or unjust imports not; and if it did, it is plain there are other causes, besides Religion, which make a War just, and every body knows the Pope, being a Temporal Prince, may interpose in any War he pleases upon any just account, as any other Temporal Prince may interpose in a War for Religion as well as he. To gratifie this Gentleman then, I will allow that Religion may be a just cause of War; That the Pope may interpose in it all the ways he has thought of; in short, I will grant all he asks, and take the Liberty to believe any man notwithstanding may safely swear, *The Pope neither by himself, nor with any other, has any Power, or Authority to Depose our King, or Authorize any Foreign Prince to invade or annoy Him or his Country.*

I have already said why the Power, in vertue whereof Princes make War upon one another, and the Deposition ensuing, cannot be the Power and Deposition renounc't by the Oath. There remains only to consider, whether *Invoking* be *Authorizing*; which I cannot but wonder he would so far strain his credit with his Readers as to obtrude upon them. Many are *Authoriz'd* themselves, and know by experience what the word means; the rest know it, as well as they, even by not being in Authority. All see that who is *Authoriz'd*, is, by being so, enabled to do something which before he could not do, and which those cannot who are not *authoriz'd*. A Justice can examine and commit men, a Judge try and condemn them; and so every Officer whether Civil or Military, can act as he is empow'r'd by his Commission, as long as it lasts; and when it expires or is recall'd, they can do those things no longer. Now 'tis plain, a Prince who is *Invok't* by the Pope, or any body else, (for others may Invoke as well as he) can do nothing which he could not do before he was *Invok't*, and which he might not have don, if he pleased, whether he had been *Invok't* or no. He gets neither Men, nor Money, nor Arms, nor any increase of Power to make War. Neither does Invocation make the quarrel just. There was either breach of Treaty, or Religion, if you will, or some other of the causes which makes War just, which Invocation does not put, but find, and urges the Prince to proceed upon. If there were not, he is plainly call'd to an unjust War; if there were, he might have justly undertaken it without any body's Invocation.

Manifestly then, *Authorizing* is giving another some power which
he

he had not before: *Invoking* is only soliciting him to use the power he has of himself. Which being so, as every body sees it is, there is no shadow of reason, why the Liberty which the Pope has, and others have as well as he, of *Invoking*, should hinder us from swearing, he cannot *Authorize* a Foreign Prince to invade the King. And so if you will grant this Gentleman, that the power by which Temporal Princes proceed against one another, is the Power of the successor of St. Peter, and that to solicit one of them to use this power, is to give it him, he has then something to say against the Oath of Allegiance. But since we cannot but see they are as different as may be, and yet not more different from one another than from the meaning of the Oath, we cannot but wonder how he should light on such scruples himself, and more, how he should offer them to us for satisfaction.

The 80th. consideration tells us, that every Church or Kingdom has not the same Privileges or Liberties which are granted to the Gallican Church by particular concessions of the Pope, or contract, or otherwise: as if the Rights in question were claim'd by grant from the Pope, or Sovereigns held of any but God, or could, without ceasing to be Sovereigns. They may derive their Liberties from whence they please in France; the Crown of England is, and at all times has been free in all things touching the Regality of the same, and in no Earthly subjection to any but God, says the Law of England. But neither is it true, that the French look upon their Liberties, as Privileges for which they are beholding to the Pope. A little Treatise of the Liberties of the Gallican Church, Printed by Patisson, 1594. with Licence from the Parliament of Paris, lays for a foundation, that what their Fathers call the Liberties of the Gallican Church, are not favours, or exorbitant Privileges, but rather natural Franchises, Freedoms, or common Rights, of which there needs be shewn no other Title than Possession, and natural enjoyment. Again, Those which are commonly called the Liberties of the Church of France, says another, are not Privileges granted by the Pope, but in truth consist in this, That the Church of France has not received divers Papal constitutions made within Four hundred years, &c. So that it seems the French know the difference betwixt Privileges and Natural Liberties well enough. Whether they do or no, we know what we have received from our Catholick Ancestors, and which, by this Gentleman's favour, we mean to trans-

mit to our posterity; let him and the *French* agree about it as they can. Mean time I leave his Priviledges to those whom they concern, as they do not us, even by his own confession.

For he tells us at last, *We have the same liberty which the French have, in relation to our present debate.* And then to what purpose are the Liberties of other Nations brought into Question, or our own in other matters? But since liberty is given to the *English* to maintain that the Pope has no power to Depose Kings, I will take the liberty to say, they are also at liberty to maintain the Oath of Allegiance. For these Treatises have made it pretty manifest, that nothing material can be brought against it, but the renouncing that Power. And yet we shall hardly take the liberty to maintain Truth, for a Priviledge.

He proceeds to tell us, that though they might take such an Oath as ours in *France*, if they had it to take, yet we in *England* might not for several reasons. The first insisted on Sect. 81. is, because *we may prudently suspect it made out of hatred and contempt of the Roman Church, the Papal Dignity, and the Popes Supremacy in Spirituals; which because they could not so easily bring Catholics to deny explicitly, they intend to make them do implicitly, under a colour of Civil Loyalty.* I never pretended much to Prudence, and doubt I never shall, if it be Prudence to give way to private suspicions, against the declarations of publick Authority, and to fancy we know their meaning better than they themselves. Since the Framers of the Oath plainly tell us the end they had in it, I should never have thought it prudent to suspect it was not their end. Neither can I understand the cunning of that trick, by which he would make them go about to trepan us into an implicit denial of the Popes Supremacy in Spirituals. For what would Protestants get by it? They know well enough, that though they should have inveigled us into an acknowledgment of something implicitly inconsistent with the Popes Spiritual Supremacy, there would not be a Papist the less for all that. For when ever this implicit inconsistency should come to be unfolded, and we urged to renounce that Supremacy, we should desire them to excuse us; and tell them, whatever the words may import beyond our intentions, we meant no such matter, and stick to our Supremacy still. They know those who take the Oath do it, as well as those who refuse it: and while we all profess, and stand to it, to think they should fancy by a trick to make us all renounce it, and turn Protestants against our wills, and without our know-

knowledge, is a suspicion which, if it have any prudence, I think has but little reason.

But where lies the prudence of suspecting that the Oath was made in contempt of the Pope? *The Framers*, says he, *specifie no other Temporal Prince, though there be as much need of securing our Loyalty against them, as the Pope.* As if every body did not know the Oath was framed upon occasion of a Treason proceeding from a misapprehension of the Popes Power, not of other Princes. If those Powers were past by, of which they stood in no fear, and provision made against that, from which they had newly scapt so imminent a danger, must the Papal dignity be therefore suspected to be contemn'd? Rather other Princes would be thought contemn'd, as unregarded and unmentioned; but to stand in fear of the Pope, is no sign of contempt. However it be, he despises not Water-men sure, who takes no care of Boats, and what may save from drowning, when the only danger is from Fire.

I, but 'tis manifest, that this was the design of the Parliament. For they would have inserted in the Oath a Renunciation of the Popes power to Excommunicate. That people should not agree in manifest things! I cannot for my life but think the contrary manifest. For if having a will to insert such a Clause infer having such a Design, not having a will to insert it, infers not having that design. And, I think, nothing can be more manifest, than that they had not a will to insert it, when they left it out. By what means they came to be changed, whether by King James, or any other motive, imports not. It is enough that they were changed, when they perfected the Act, and had not the Will, which he says they had, and therefore had not the Design, which he infers from that Will. Notwithstanding, he will needs have enough remaining to make us prudently suspect the Oath was contriv'd in contempt of the Papal dignity. Not so prudently, I doubt, unless he would tell us what this enough is. Otherwise I should think we may prudently suspect, there is no such thing at all, since he, who makes it his business, can find none. But then, *is a constant opinion among Divines, that we are bound to refuse a thing, though indifferent in it self, when 'tis required in contempt of a lawful Dignity.* Suppose it be, where is the contempt of lawful dignity? He has not proved so much as that it can be prudently suspected. To assume at last confidently that it is, and then run away with it, is by his favor a little too much.

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I verily think, he might prudently enough have spared the whole Consideration. It proceeds all upon suspicions, no very good foundation at best. But to make them shew a little more handsomely, he calls them *Prudent*; and this prudent in truth signifies *ungrounded*. For there is not one so much as likely reason of suspicion. And, when he had done, fairly takes for granted, more than he went about to prove, and knocks it on the head with Authority. And this in his Language is *Particular Reasons*, and *Prudent Suspicions*.

For a second Reason, the distinctive sign returns upon the Stage, Sect. 82. as far as I see only to act the same part over again, there being little added or altered. He will not have the Oath intended by the Framers, to distinguish Loyal Catholicks from others; because, *The Title makes no such distinction, and the Title he supposes was put in by those who framed the Act to declare their Intention*. I should never have thought this matter had been worth repeating. By the Act was intended to discover and suppress Popish Reculants, and this intention is declared in the Title, and but too much pursued in the body of it. In the same Act is inserted an Oath to distinguish Catholicks: and though this intention be as plainly exprest as the other, this Gentleman would bear us in hand there is no such matter, because it is not exprest in the same place. There needs great power in Rhetorick to persuade us that Law-makers may not explain themselves where they think fit; and more in Logick to conclude efficaciously that their meaning is not their meaning, only because it appears not just where he would have it.

His second reason why the Oath cannot be intended to distinguish Catholicks, is because *we might say the same of distinctive signs instituted by Pagan Emperours, viz. That they likewise were to distinguish Loyal Christians*. As if every thing could be said of every thing; and the Oath could not be intended to distinguish Catholicks, because Pagans intended to make Christians turn Pagans. For the distinctive signs he speaks of were indeed such, and who comply'd with them, was, both by Pagans and Christians, thought to renounce Christianity. For they were generally to worship, or sacrifice to Idols; which whoever consented to do, did in the opinion both of Pagans and Christians, become a Pagan. And when they aspersed Christians with disloyalty, every body saw the asperser was unjust, and that what they required, to make them pass for Loyal, was that

that they should cease to be Christians. Now every body sees that the Oath of Allegiance is not a distinctive sign, since every body sees that who takes it, is not thought less a Catholick, either by Protestants or Catholicks, than he was before, or than he who refuses it. So that I cannot but wonder to see Catholicks, who remain Catholicks when they do what Protestants require, parallell'd with Christians, who did not remain Christians when they yielded to what Pagans required.

His third reason is, because *Protestants are perswaded that the very Principles of our Religion are inconsistent with civil Allegiance.* Among intelligent Protestants I hope there are not many who are so perswaded. But be it as it will, this perswasion of theirs is it true or false? I hope he will not say it is true, for the scandal it is to Religion, which must of necessity be false, and need no second Argument to be proved so, if it be indeed inconsistent with Allegiance, which is manifestly a duty enjoyn'd by Religion. If it be, as undoubtedly it is, false, they should do well to lay their hands on their Hearts, and consider on the account they have to make to God, who have contributed to a perswasion so scandalous. I wish the Authors of these Treatises be not concern'd. To say nothing of the first, who makes the not-deposing Doctrine flatly erroneous in Faith; this last goes farther in this point, than he was perhaps aware of, at least than I know how to answer to a good Conscience. For he would have the Pope obey'd in this matter before the King, and that, since Religion is the Sphere of the Pope's activity, is to say, that this matter belongs to Religion; which I fear contributes but too much to that perswasion. However it be, since Protestants cannot be so perswaded, but by being perswaded first, that deposing Doctrine belongs to Religion, I conceive it is the duty of every good Catholick to unperswade them as fast as he can, and not suffer an aspersion so scandalous, and so unjust to lye upon his Religion.

Peradventure, no Defender of the Oath has brought a stronger Argument for the taking of it, than this zeal against it. For 'tis plain, that no pretence of Authority, or any thing else can bear us out in any thing to the prejudice of Religion; and 'tis plain, that Religion is prejudic'd, by being expos'd to the scandal of teaching Doctrine inconsistent with Allegiance. If the deposing Doctrine be inconsistent with Allegiance, and taught by our Religion; 'tis also plain,

plain that our Religion teaches Doctrin inconsistent with Allegiance. Wherefore, unless it can be made out that 'tis not inconsistent with Allegiance, 'tis plainly the duty of a good Catholick to renounce it, when he is legally required. And since it appears, by the unsuccessful endeavors of these Treatises, that there is no rational exception against the Oath but because it renounces that Doctrin, every good Catholick not only may, but ought take it. For to refuse it, being to refuse renouncing that Doctrin, exposes his Religion to the scandal mentioned, for which there neither is, nor can be any warrantable pretence.

The two following *Sections* only repeat things formerly said; save that there is a little touch in the first concerning the *Jansenists*, who, I think, have not much to do with our Oath. Yet their case, and ours, may in one respect be like enough. We have seen them a good while traduc'd for Hereticks, and a mighty bustle made about them, and people alarm'd with fearful dangers hanging over the Church; and now we see the same men, persisting in the same sentiments, acknowledged and treated as very good Catholicks. So it may very well happen with the Defenders of the Oath; who for all the past heats, and present Zeal against them, may one day, without any change in their judgments, be as good Catholicks as the best. In the mean time this suspicion of his, of the *Jansenists* adhering to the five Propositions, methinks is pleasant, when they have often enough declared to the World what they hold in that matter, and put it past guessing, and suspecting.

In the 85 *Section* there are several matters scatter'd, most, in my opinion, not extraordinarily material. What he would be at, is, that *whatever is produced out of France is of little or no force to justify the taking our Oath*. As if it were nothing towards the justification of renouncing a Doctrin by the Oath, that the same Doctrin is irreprehensibly renounc'd by Catholicks in the face of the World. His reason is, because *it may prudently be thought that what the English do, may proceed from indignation against the Pope, and a design to bring off Catholicks by little and little from his obedience, which cannot be suspected of the French*. I have already said why I conceive those thoughts are not very prudent. But though they were, as long as this suspected indignation and design requires no more than may be don with a safe conscience, I cannot think our suspicions can warrant us to disobey our lawful Magistrate, when we may with a safe conscience obey. Besides,

sides, it is not for Subjects to pry into the Commands of their lawful Superiors, but guide themselves by what appears in publick. The Intention legally declared, is all the Intention of which we are to take notice. If they secretly harbour any other in their breasts, it is between God and their own consciences, in which we are not concern'd. Now the Intention legally declared, being to distinguish Loyal Catholics from others, we not only may, but ought comply with this Intention, since nothing can be more evidently unreasonable than that we should expose our selves to a just suspicion of Disloyalty, and our Religion to the scandal of obliging us so to do. The only difficulty is, whether what they require to this end, be consistent with our duty to God. Who are satisfi'd it is, cannot but be satisfi'd it is their duty to give the testimony of Loyalty, which is legally required, and can never answer it to a good conscience to forbear it, for fear of groundlessly suspected, and not appearing intentions.

For the rest, I understand neither Casuistry nor Law enough, to know whether the case he puts, of two holding by the same unjust Title, one legally condemn'd, the other not, be well resolv'd. But I am apt to suspect, that he holds with no very good conscience, who holds by a Title declared unjust. And for what he adds, that 'tis not reasonable the *English* should expect the same liberty with the *French*, I think it not worth the while to examin whether it be reasonable or no. But methinks it is something cross to tell us, a few Paragraphs before, that we have the same liberty with the *French*, and now, that 'tis unreasonable we should.

The approbation of some *Sorbon* Doctors, which he mentions *Self*. 86 and 87, is a secret to me, as well as him. And I have the less curiosity to inquire after it, because I suspect, by his niceness in stating the case, it is not likely to pass with him, whatever it be. Nor do I think any thing can be so clear, as to scape such exceptions as he has already taken. And so being come to an end of this matter, I must follow his example, and apologize for detaining the Reader so long about it. For whatever this Gentleman think, I conceive it not so very material, as valuing one good Argument, which discovers the truth of the thing, above twenty approbations, even of *Sorbon* Doctors. But yet if I had said nothing, people might have been apt to suspect it had been for want of something to say.

To my great comfort we are now at the last Objection, which strives first to put them out of credit who are for the Oath. Of these he

says, *Señ. 89.* that the Pope gives them a bad character. He had spoken to purpose, if he had shewn they deserve it ; for if they do not, they have but the more wrong. The King gives as bad a character of those of the other side ; and yet this Gentleman, I believe, thinks ne'er a whit the worse of them. Whatever is said of them, they were conscientious men who took the Oath, and that is all the Objection says.

Señ. 90. He tells us, that *actually the Superiors of the Clergy, and of the Religious Orders in England, unanimously judge the Oath ought not be taken, and publickly profess they are of this Judgment.* If he have Commission to speak for those Gentlemen, he would do well to produce it. I have the less temptation to believe him on his word, because he formerly undertook for Protestants more than, I believe, they stand to, and because he tells us here their profession is publick ; which if it were, other people methinks might know it as well as himself ; and I, for my part, never heard of any such matter. All I can say is, that if the Superiors of the Clergy judge as he says they do, they degenerate from their Predecessors. For the Superior in the time of King *James*, approved and took the Oath, and admonished both Clergy and Laity to follow his Example. And the *Irish Remonstrance* was approved by the Superior at that time, which is so near the Oath of Allegiance, that I cannot think he would have disapproved the Oath, if it had been put to him. Of the Superiors of Orders, unless I could meet with the publick profession he talks of, I can say nothing. Only I think it no impossible thing, that they should approve something disapprov'd at *Rome*, because it actually happened in the three Propositions. But I think it but reasonable they should speak for themselves, and we not be put to learn their sence from others.

The following *Section* remains in generals, without applying any thing to the particular case. Had he gon about to evince there is something doubtful in the Oath, which he says is so easie to do, there had been something to answer. Now I can only say, that people, unless they have scruples put in their heads, do not use to doubt of their own stedfast Perswasions, and those they swear in the Oath.

The 92 *Section* confidently vouches all the Divines and Canonists for 500 years, as granted to be on his side by his Adversaries. And this is both disprov'd before, and manifestly false, even by the confession.

sion of our Adversaries. For the Author of the former Treatise builds his whole discourse on this ground, that School-men have been wrangling about this matter 500 years ago, and may do so for ought he knows 500 years hence. And certainly they are not very well agreed who wrangle. Then he goes on descanting on his false ground, till he comes to ask why *Bellarmin*, and those of his side, may not as prudently be thought to have seen as far as *Withrington* and his Cabal. Comparisons, they say, are odious; and however, his prudent thoughts, I conceive, make little towards Truth or Falshood. When he shews that *Bellarmin* and the rest have brought convincing proofs for what they say, we shall be all of his prudent perswasion. In the mean time we must beg his permission to think a bad Argument is a bad Argument, whoever makes it, and that the greatest men have their failings. Nor can we think it prudent, when we see those great men, once in their lives, are out of the story, for their sakes to take wrong for right.

Sect. 93. He tells us, that *Preston*, as he is informed, never took the Oath, nor perswaded any man to take it. What then? no more have twenty others, nor indeed any man, to whom it has not been offered. He himself, I fancy, has never refus'd it; though I know not why he should, if he have no better reasons than he has put into his Treatise. What's all this to purpose? And for perswading others, *Preston* did his endeavor to satisfy all men that it might be taken, as he has, that it may not. More perswasion than this it is a praise to *Preston* that he used not. For who goes about by earnestness and pretended Zeal to work upon people farther than their Judgment leads them, discovers more addiction to the thing, than good will to them, and is a Counsellor of whom they ought beware.

But the same Author grants the Pope has Authority to order and direct the Temporal Affairs of Princes, and says, the Controversie is only concerning Coercive Power. I mistake that Author if he do not grant the Pope a Coercive Power too, provided that Coercion be Spiritual. But this, he says, is contrary to the Article of *Sorbon*, which denies the Pope has any Authority over the Temporals of Princes. As if the *Sorbon*, or any body in his wits, ever dreamt of denying the Pope might command a sinner, though a Prince, to abstain from Wine, or Women, or restore Goods unjustly gotten, or relieve the extreme Necessity of his Neighbor with Alms, &c. Every Ghostly Father has such power over his Penitent. Can any man fancy it ever came into

the head of the *Sorbon*, that the Pope could not do as much as a Ghostly Father? Now Wine, and Women, and Money being plainly Temporal things, 'tis plain the Authority of the Pope extends to Temporal things, and that not only by way of Direction, but Coercion too. For the sinner who refuses to obey his Directions, may be delivered over to Sathan by him, and with Spiritual Punishments forc'd into repentance. So much, I think, no Catholick denies.

Apply this now to our case, and stating it with all the advantage that can be to the Pope, the utmost which I apprehend can be said, is, That he may Judge a Prince abuses his Temporal Government to the ruin of his own Soul, and hazard of many others: and in care of those Souls command him to alter, or leave off his Government, which is incompatible with his Salvation: and in case of refusal, draw his Spiritual Sword, and use it against him. The Pope when he judges thus, may be in the right, and he may be in the wrong. If he be in the right, the Prince who refuses to obey him, hazards or ruins his Soul; for which he is to answer to Almighty God, from whose Justice no worldly greatness can free any man. But he is accountable to no body else, according to the Doctrine of the best Masters of Christianity. Nor can the Pope take his Kingdom, or any Temporal thing else from him against his will, no more than he can break open the Cellers, or Houses of the sinners before mentioned, and break their Vessels, and let out their Wine, and carry away their Money, unless in vertue of his Temporal Authority where he has it; or than the Ghostly Father, who enjoins his Penitent a Discipline which he will not take, can himself whip him by force. If the Pope be in the wrong, all he does is *Clave errante*, and he is to answer to God for his mistaking proceedings; and the Prince does well to refuse his Directions, and stand out his Coercions. Whether of the two be in the right, is all one to Subjects. For they are still to stand by their Prince, who whether vertuous or vicious is still their Prince, and by the Law of God still to be obey'd in matters belonging to Civil Government. How right soever the Pope may otherwise judge, when he would alter the frame of the Commonwealth, and disturb the publick Peace, and dispossess their King by force, there they are sure he is in the wrong, and may, and must stand even by a vicious Prince against him, and cannot answer it to God and a good Conscience if they do otherwise.

This, I think, is the Authority which *Wishbrington* and his Associates grant the Pope over the Temporals even of Princes; which
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what service it will do this Gentleman, we must expect to see. He tells us, *Señ. 94. They will allow the Pope no more than may evidently be deduced out of Scripture.* This is a close bob, as if they thought the Scripture alone, to be the Rule of Faith, when yet he knows they do not. Indeed they expect from him, who will have what is attributed to the Pope, pass for Faith, that he should prove it from Scripture, or Tradition; or some way by which Faith may be proved. Otherwise they are not so severe, and will be content with any proof, which is indeed a proof. But to let pass this gentle touch,

If the Pope, says he, may justly in some cases, and in order to the Spiritual good of a Nation, command a King to desist from persecuting his Subjects upon the score of Religion, or otherwise lay down his Government. What this caution of *some cases* serves for, I cannot guess; while he speaks but of one case, that of Persecution. In this case, I will allow the Pope may command a King, and that justly, to desist from persecution, and if there be no other means to save his Soul, to lay down the Government too. All that will follow is, that the King who refuses to obey, sins against God and his own Soul, and shall one day account to the severe Justice of God for it. So I may very justly command my Son, who spends his Life in debauches, to desist from his debauches, and pass over his Estate, if he cannot abstain from abusing it to his own perdition, to his Brother. And I may disinherit him, if it lye in my power. But if the Estate be settled on him, I cannot take it away, neither can I knock him on the Head, but must endure the mischief, which I cannot remedy, as well as I can; and leave my unreclaimable Son to God and the Laws of the Land. No more can our Spiritual Father the Pope, take any Temporal Estate away from an offending Spiritual Child, unless it be held by a Temporal Tenure of the Pope; but must content himself with the satisfaction of having done all in his power to reclaim him, and leave the rest to God's Providence and Justice. What will come of this?

And if, says this Gentleman next, the Pope justly may prohibit his Subjects, in case he goes on in persecuting them upon that account, to bear him civil Allegiance: This by his favour the Pope may justly do in no case. He may justly, and laudably use all the power God has given him, to cause a persecuting Prince to desist from persecution. But God has given him no power to forbid that Princes
Subjects

Subjects from paying him what is his due. Subjects have nothing to do with the Conscience of their Prince, nor does it any way import them, whether the Pope be in the right when he commands their King, or the King when he refuses to obey. Till he quit his Throne, whether he do well or ill to keep it, he is still their King: and if the Pope forbid them to bear him civil Allegiance, he forbids what is manifestly commanded by the Law of God: nor can they obey him without disobeying God. What if they be persecuted? That is no such novelty among Christians, that people should be to seek what is their duty, when the case happens. We have the instructions of our Divine Master, not to forbear Civil Allegiance, but, to rejoyce and exult, and remember the plentiful reward prepar'd for those who suffer persecution for Justice. We have the example of our Holy Ancestors, who when they were commanded to stand to their Arms, to fight against this or that Nation, obey'd; when to worship, or offer Incense to Idols, preferred God before Man. The harm of persecution is truly to the persecutors; the persecuted are in a blessed condition, and assured they are so by the Oracle of Infallible Truth. If any thing turn them out of this way, and make them forfeit their great hopes, by refusing to obey God in Man, and possess their Souls in patience, that, and not persecution does them harm. However it be, that the Pope may forbid Subjects to bear civil Allegiance, because he may forbid Kings to persecute, is what I can by no means allow, and what I wonder to see assumed.

And yet I wonder more at his conclusion. *How then, says he, can they swear that notwithstanding any sentence made, or granted, or to be made and granted, by the Pope or his Authority, against their Prince, they will bear him true Allegiance?* This in a Catholick, the first I think that ever excepted against this branch of the Oath, I see not only with wonder, but with extreme grief. Will he have it thought the Allegiance of Catholicks depends on sentences made or to be made by the Pope, and that they cannot swear the contrary? This clause says no more than what the most scrupulous voluntarily offer; no more than what himself offers in this very Treatise. For one branch of his Form professed to bear true Allegiance to the King, and defend him against all attempts by any person whatsoever, under whatsoever pretence. This I take to signifie, *notwithstanding any sentence made, or to be made.* I will hope he meant to speak, not to the thing, but to his Adversaries; not to deny the clause might be sworn,

sworn, but to shew it could not be sworn by them according to their Principles. And this may be some excuse for him, but none for what he says. For if that Clause be inconsistent with the Principles even of the Defenders of the Oath, 'tis much more with those of the Impugners; since these allow the Pope more Authority over the Temporals of Princes than the other; and would stretch that Authority to authorizing their Subjects against them, which the other plainly deny. Catholics by this account, would be at a fine pass with his Zeal for their satisfaction, unable either of one side or the other, to swear more Allegiance than pleases the Pope. As to the thing it self I have spoken already, and declared that Subjects are unconcern'd in the contests betwixt the Pope and their Sovereigns, and obliged by the Law of God to stand by them, and defend the publick peace and safety, whatever the quarrel be on which they fell out.

The 95 *Señ.* tells us, *That Bellarmin affirms no more of the Popes Power than the Author of the Questions seems to grant.* Why then the Author of the Questions was in the wrong as well as *Bellarmin*, and there is an end of the story. But yet they seem not to me to say altogether the same. *Bellarmin*, if I be rightly inform'd, puts a standing Power in the Pope, deriv'd from Christ, and included in his Universal Pastorship, to Depose Princes as often as he judges the necessity of the Church requires it, and acting by the Authority of a Superior over an Inferior. The *Author* gives the Pope no more Power to Depose Princes, than Princes to Depose Popes, or any man to Depose either. In short, he would have it lawful for any man to do any good which he can do, and which is absolutely necessary to be done. The Power by which they act in such cases is, according to him, equivocally Power, importing no Authority, or Superiority, but only strength and reason to use it; such a power as I have over my Neighbours life, over which I have and can swear I have no power. Whether what this *Author* says be true or no, which is another Question, 'tis plain enough, that 'tis not the same which *Bellarmin* says. And though it should excuse a Pope, when in virtue of it he Deposeth a Prince, (which if it do, it will also excuse a Prince, or any man else who Deposeth a Pope;) yet it concerns not Subjects. They are still to defend their Prince to the uttermost of their power, let the necessity be what it will, which sets the Pope against him.

To make way for some Arguments, by confuting of which he means to shew the weakness of his Adversaries, the 96 *Señ.* assumes,

That

That when the ground, whereon an Author proceeds, is manifestly false or inconclusive, no account is to be made of the Opinion or Judgment of such an Author. In this I think he is much in the right; though I suspect it will hardly please your Extrinsic-probability-men. For Extrinsic probability, if I mistake it not, consists in the number and reputation of Authors, as Intrinsic Probability in the weight of Reasons. If we must no longer value Names, but look after Arguments, I doubt it will go hard with Extrinsic Probability, and the Muster Roles of great Names be much shortned. But let what will come of it, as long as what he says is true, I cannot but be for him. Now this Plea of his, denies not what is alledged in the Objection, that there are many of Learning and Conscience who defend the lawfulness of the Oath, but contends the allegation is frivolous. And truly I never lookt upon it as otherwise valuable, than for the satisfaction of those, who will not be content without Crutches, even though their own Legs be found. I am very glad he will have it try'd out by the Merits of the Cause, which I think much the better, and indeed only efficacious method.

From hence he takes his rise to examin the Arguments of the Defenders of the Oath. But this pains, I think, might have been spared, because it belongs not to the Defenders to make Arguments. That task belongs to the Impugners; whose Arguments if the Defenders can shew to be inconclusive, it imports not what they are which they make the mselves, nor whether they make any or no. Kings were Kings, before there were Popes. They had right to the Allegiance of their Subjects from the Law of Nature and Reason, before Christ came into the World. When he came, he confirm'd that right by his Law, and those who obey'd his Law by their practise; till in after Ages pretences were made, in behalf of the Pope, to control that right in certain emergencies. These pretences must be proved, if it be expected they should pass: nor have those who deny them, any more to do, than to shew they are not proved. The right of Kings needs no more proof, than my right to my Estate, in which the Law will maintain me, till he who claims it, can make out a good Title. Wherefore this Gentlemans labor in this particular is all useles; The Pope being never the better, if those who speak for Kings discourse weakly, unless they discourse convincingly who speak for him: and it being nothing to purpose whether their Arguments be good, who do more than they need if they argue at all. Notwithstanding let us see what he says.

For

For the common reason, and ground of his Adversaries, the 97. Sect. puts this position: *That a meer Spiritual Power, such as is only granted the Pope over all Christendom, in no case possible, does extend it self to any Temporal thing.* As common as he makes this reason, I suspect there are very few among his Adversaries who say it: neither is it true, when it is said. That Temporal punishments cannot be inflicted by a meer Spiritual power; by force, and against the will of him who is punished, some of them do say, and endeavour to prove: but that Spiritual power, does not at all extend it self to Temporals, should be put for their ground; whom before, and in the very next Sect. he acknowledges to confess the contrary, is a little surprising. I think it superfluous and tedious to speak again of this matter, of which I have so lately declared my sence, and so have only to observe what will come of it.

This Reason, he says, does not shew that the Pope, as Temporal Prince of Rome, has not an Indirect Right and Power to depose Kings in some cases, such a Power being inherent to every Sovereign Prince. He is in the right. This reason if he will call it so, indeed shews no such thing, and 'twere strange it should, and the Pope's Temporal power, or any Right belonging to it, be shockt by a reason which meddles only with the Spiritual. Neither does he deal very kindly with his Adversaries, to make them suspected of discoursing so extravagantly.

But whatever that Reason do, it has been already shown that Sovereign Princes have no inherent right, or power over one another (meaning by those words what is ordinarily, and the Oath meant by them) though every body knows they can make War, upon, and dispose one another when they are strong enough. Wherefore, the Pope may keep his Temporal power, and do with it all that Temporal power can do; for any thing his Adversaries, or the Oath have to do with it. Which being a point sufficiently discours'd already, I see no reason to discourse it over again.

In the following Sections he sets himself to prove, *that meer Spiritual power may in some cases extend it self to Temporal things*; I know not to what purpose, when he says his Adversaries confess it. They are not like to be in favour with him in haste, if saying just what he would have them, will not content him. More words about a point agreed on both sides, seems little better than chaff; and yet the crofsness of his Discourse will keep me a little longer than needs.

I cannot but wonder to see, always in the same period, that Christ and his Apostles either had not, or at least did not exercise Temporal power while they lived, and did use Temporall both of them: Christ against the buyers and sellers, and St. Peter against *Ananias* and *Sapphira*. For their Death too, I think he makes an effect of Temporal power. Again, that Excommunication takes away all civil Communication, though due by the Law of Nature. I cannot tell whether *Civil*, and *Nature* be well coupled, but 'tis the first time I have heard that bare Excommunication, abstracting from the Temporal Laws, deprives a Man of any thing due by the Law of Nature, or even of the Land. A Servant must pay him the service he owes, a Child the duty, a Debtor the debts, &c. only Spiritual goods, the Sacraments and the like are taken away, or rather suspended, till Repentance. And those who need not keep him company, unless they please, are admonisht to abstain from it, for his sake and their own; to preserve themselves from the infection of his wickedness, and reclaim him by shame. What besides follows. Excommunication, is I think refunded into Temporal Laws and Temporal power.

The *Confessarius* whom he brings in *Sett.* 99. is one of whom his Adversaries make use to declare their sence of Spiritual power, *viz.* that it extends it self to directing and enjoining that Temporals be used according to the Law of God, and punishing the obstinate resuser by withholding Spiritual goods. Farther than, which 'tis plain, the *Confessarius* cannot go, nor as they conceive, the Popes. And this Gentleman says nothing to the contrary. Neither does he show what Service the Wife will do him, who cannot live with her Husband without eminent danger of Perdition. She is undoubtedly free by the expresse Law of God, and by the Law of Nature, which endures no tie absolutely inconsistent with the final and only good. But yet, if she will stay, and damn her self he does not go about to shew that the Spiritual Power can take her away.

The 100. *Sett.* tells us, *That more Spiritual Crimes are punished with Temporal punishments in all Nations.* Those Temporal punishments being plainly inflicted by Temporal Authority, is it possible that any thing should follow to the advantage of the Spiritual? And yet he concludes without more adoe, *That Protestants doubtless are not of opinion, that one cannot be Temporally punished, by a meer Spiri-*

Spiritual Power, or upon a meer Spiritual account. Why but his case is of Spiritual crimes punish'd by Temporal Authority. Will he persuade us Protestants are of opinion that who is punish'd by the Temporal, is punish'd by meer Spiritual Power, and that there is no doubt to be made of it? Whatever he fancy of them, I must beg his good leave to believe, that Protestants are no such irrational people, and that neither they, nor any Man in his Wits can harbour an opinion so extravagant. Something I suppose he means by his, *or upon a meer Spiritual account*, but what I cannot tell. Spiritual Power, and Spiritual Accounts, are plainly different things, which methinks it is not fair to tumble together. Let the account on which the Temporal power is exercis'd, be what it will, if it be Temporal Power which is exercis'd, I see not what meer Spiritual Power, of which he is talking, has to do in the case.

Neither perhaps is so much true, that the Temporal Power, when it punishes what he calls meerly Spiritual crimes, proceeds on a meer Spiritual Account. *Heretic*, and *Apostacy*, in which he instances, seldom become Universal without disturbance of the publick peace, the preservation of which plainly belongs to the care of the Temporal Power, on a Temporal account. *Blasphemy*, his third instance, as plainly takes away the respect due to God, and with it the Aw of Divine Justice; and concern for the next Life. Who thinks the Temporal Power unconcern'd in such things, had not reflected what ill living there would be, in a Common-wealth, where no Man's Oath, and much less his Word would be trusted. And manifestly there is no trust to be given to his Oath, who has no fear of God; and yet without Trust, civil Society, and Commerce, cannot be maintained. Generally, who considers that fear of Temporal punishments alone, is an unsafe, and no lasting support of Government (for those who have no other check will break the Laws as often as they can hope by Favour, or Power, or Artifice to scape those punishments) and that it is a great deal more easie, and more secure where people obey for Conscience, will find that, without relation to Spiritual accounts, the care of the publick quiet, and safety, makes Governours concerned in the vertue of their Subjects, bad Men seldom proving good Members of the Common-wealth.

The next Consideration is so crossly entangled, that I hardly know

how to unravel it. He objects against himself, that *Temporal Princes enact such Laws against Spiritual Crimes as prejudicial to the Temporal good of their Subjects, or as impowred by several Titles allow'd them to defend the Church, &c.* The first of these is what I come from saying; what he means by the second, his *several Titles*, and by whom he would have them allow'd I cannot guess, nor imagin what other Title there needs to provide against prejudice to the Temporal good of their Subjects, more than the Temporal power with which they are intrusted. But whatever he means, he would have it follow, that *The Pope may deprive one of some Temporal thing (if nothing else do hinder it) when it is prejudicial to the Spiritual good of Christians: For he is invested also with several Titles, which enable him to direct the Temporals of Princes in order to their or their Subjects Spiritual good.* How many Titles he has I know not, and while one will serve turn, care not to inquire. -By his Title of Universal Pastor, I conceive, he is impowred to direct the Temporals, even of Princes, to their Spiritual good; but I do not know that he is impowred by that Title, or any else to deprive them of their Temporals against their wills. To put *Direction* in the premises, and *Deprivation* in the conclusion is foul play.

But he goes on: *Because if a meer Temporal power can extend it self to the Temporal punishment of a meer Spiritual Crime (when it is prejudicial to the Temporal good, the Judgment of which Crime does not belong to the Temporal Court) why may not a meer Spiritual power enjoyn in certain cases (if there be not some other obstacle) a Temporal punishment, or deprive of some Temporal thing, in order to a Spiritual end? The Execution of which punishment, and the Deprivation of which thing, belongs to the Temporal Prince.* I, for my part, despair to unravel how that Crime should be meerly Spiritual, which is prejudicial to the Temporal good: and how the Temporal Court can be excluded from the cognizance of things prejudicial to Temporals. As also how a meer Spiritual power deprives one of a Temporal thing, when that deprivation is to be made, not by the Spiritual, but Temporal power. And more than all, how it will follow, that because a Temporal power can punish with a Temporal punishment, a Spiritual power can punish with a Temporal punishment too. I should have thought the direct contrary had follow'd, That as the Temporal power can punish even a Spiritual Crime with no other than a Temporal punishment, so the Spiritual can punish no crime with any other punishment than a Spiritual.

The

The Case it self is plain enough if we could let it alone: Every body knows the same offence may, and most times does concern the care of both Powers: The Spiritual, as a breach of the Law of God; the Temporal, as harmful to the Common-wealth. Both may take cognizance of it, both proceed to sentence, and execution of that sentence, actual punishment. But then as the Powers are different, so are the Punishments: The Spiritual importing less, or suspension of Spiritual goods, and the Temporal of Temporal. This, I think, is in two intelligible words the whole business, and this his Adversaries not only grant but endeavor to prove. He may make his best on't when he thinks fit. In the mean time I see not what service the proceedings of the Temporal power against what he calls meer Spiritual Crimes will do to the Spiritual power. And I doubt besides, his Zeal, and the heat of Argument has transported him a little beyond the bounds he had prescrib'd himself. He professes only to answer his Adversaries Arguments against deposition, but by no means to assert it himself; and yet makes an Argument, which, if it were true, would infer Deposition. For if meer Spiritual power can extend it self to the deprivation of Temporals, there will be no reason strong enough to confine it to this or that private case, and hinder it from extending this deprivation even to Kingdoms.

To leave no stone unturn'd, *Self. 102.* he tries what the Spiritual power will do, and what the Temporal again, but acting now not on things but persons. Of the former he says, *since the power of Excommunication (which is meerly Spiritual) may punish meer Civil Crimes, why may not therefore, in like manner, a meer Spiritual power inflict Temporal punishment?* This Question seems to answer it self. For Excommunication being a Spiritual punishment, and the power to inflict it Spiritual power: This is to ask in other terms, why a power to inflict Spiritual cannot inflict Temporal punishment? To which a body would think there needs no other Answer than the Question it self. Besides, I mightily suspect whether there be any meer Civil Crimes for Excommunication to punish, and if there be, whether meer Spiritual power have any thing to do with them. And yet if both were true, punishing a Civil Crime with a *Spiritual punishment*, is one thing, punishing the same Crime with a *Temporal punishment*, another; and these two things are so unlike, that I wonder what like manner he could fancy to infer one from the other.

Of the second he says, *since a meer Temporal power may punish Ecclesiasticall*

ecclesiastical Princes, why may not a meer Spiritual power punish Temporal persons. Truly I expected not he should subject Ecclesiastical Princes to the punishment of meer Temporal power in any case. To be as condescending as he, I will allow, that meer Spiritual power may punish Temporal persons: but when he adds, *and with Temporal punishments*, I must intreat him to excuse me, that addition being violently thrust in, without any pretence which can handsomely introduce it. Yet he does all he can, and is content, so he can but get at in, that it come in company of the Civil Magistrate. Now, I conceive, that what the Civil Magistrate does, is don by Civil Power. 'tis true, the Spiritual Magistrate may solicit the Civil to use his Civil Power; but 'tis plainly the Civil Power which is used by him, nor does the effect follow from Spiritual Power, but from him who has it; and who has it not may solicit the Civil Magistrate, and produce the effect as well as he. So that meer Spiritual Power does nothing at all in that case, how much soever he does who had it. And all the desire he has shewn, and all the diligence he has used, to enable the Spiritual Power to inflict Temporal Punishments, serves but to shew that False will not be True for any mans sake.

The 103 Section tells us, *the stoutest maintainers of the Oath cannot deny, but a Subject persecuted for Religion, and in imminent danger of perswasion may lawfully fly into a Foreign Country, according to the Gospel, Cum persecuti vos fuerint in una Civitate fugite in aliam.* The maintainers of the Oath indeed are not so stout, as to deny an express Command of the Gospel, nor so irrational as to affirm, that what they see don every day for profit, and Temporal advantages, may not be don when it is necessary to Salvation. What then? *Has Spiritual directors may counsel, or enjoin him to fly.* Very true, for the Law of God counsels and enjoyns this before. *And consequently such a man deprives his Prince, on a meer Spiritual account, of a natural born Subject, which belongs to the Temporalities of the Prince.* The Prince is indeed deprived of a Subject, when that Subject, who has the warrant of Gods Law for flying, will make use of the liberty he has. But what is this to the Spiritual Power? can the Spiritual Power spirit him away, if he will not go? or exempt him from the duty of a Subject, while he remains under the government of his Prince? If the Spiritual Power can do neither of these, I see not what pretence she can have to inflict Temporal punishments, from the

the liberty, and obligation a man has to obey the Law of God. It is also true, that Catholicks, perswaded that the command of preferring God before Man, has place in their case, do venture to transgress several Laws of the Nation. But till he shew how it is to purpose; an instance in which there is neither Spiritual, nor any Power Temporal, nor any Punishment, seems far enough from proving that the Spiritual Power can punish with Temporal Punishments.

The 140 Section sums up the particulars, which his Instances, he says, evince. That *Spiritual and Temporal things are not so vastly different that they cannot Interfere*. This is the first News we have heard of *Interfaring*; of which, if he will have my Opinion, I conceive they are rather Spiritual and Temporal Persons, than Things, or Powers which Interfere. God who is the Author of both Powers never made them inconsistent. Wherefore when any *Interfaring* happens, I think there is some fault, of one side or other, in the men who have the Powers; into which the *Interfaring* is to be refunded, not into any opposition in the nature of the Things. That it is not always unlawful to deprive one of a Temporal thing, on a meer Spiritual account. This indeed has been said before, but will not make to his purpose, though it be said over never so often. Whether that Temporal thing can be taken away by a meer Spiritual Power, is the question; what the account is, on which it is taken away, imports not. And the Spiritual Power has plainly nothing to do in the case, if it be the Temporal, which takes it away, though on a Spiritual account. That a meer Spiritual Power may in some cases extend it self to Temporal things. This being agreed before he began; why his Instances should be troubled about it, I cannot imagine. He knows, and confesses, the stout maintainers of the Oath are complaisant enough in this point. Where Temporals are abused contrary to the Law of God, They say the Spiritual Power may direct, and enjoin them to be used according to his Law, and punish the Transgressors with punishments proper to that power; which is to say, that Spiritual Power does extend it self to Temporals. And sure there needs no rack of Arguments to make them confess, what they voluntarily avow. And consequently, that *This (viz. That Spiritual Power can in no case possible extend it self to Temporals) is no proof, that the Pope cannot Depose*. He may please to tell them so, who say it is. The Maintainers of the Oath, who say it is not true, are far enough from making a proof on't.

And

And so we are at an end of the first Objection; which I suspect will afford his Adversaries more cause of complaint, than satisfaction, or trouble to answer. If any one among them have made such an Argument, the rest have no reason to complain, if he and his Argument be baffled as much as this Gentleman pleases. But it seems not fair to obtrude upon them as the common reason of most of these Authors, what peradventure no one of them admits, and whereof he himself says they hold the contrary. Their Reasons and Arguments are no secrets. They may easily be taken, and how much soever they be confuted, cannot be disowned by the Authors. These which he makes for them to his knowledge they do disown, and to take pains to confute them, is little better than, to consult how he shall be punished who never committed the Fact. How well soever he can answer it them, for making them say what they do not say, I think it conduces little to his principal Design, the satisfaction of Catholics. For sure they will not receive much satisfaction by seeing a great deal of time spent in disproving what peradventure no body holds.

The next Objection, *Sett. 105.* is a chip of the same block. He would have it common among his Adversaries to infer, that because deposing Doctrine, or the unlawfulness of the Oath, is no Article of Faith, therefore one may lawfully take it. Such Arguments becoming only those who wear Fools Coats; he is a little too severe to pin them on his Adversaries. That the deposing Doctrine is no point of Faith; indeed they say, and they say also, that the Oath might be taken; but neither they nor any Man in his Wits, ever went about to infer one from t'other.

The 106. *Sett.* tells us what we know already, *That the defenders of deposing Doctrine do not unanimously affirm, it is an Article of Faith.* Truly 'tis bad enough that they do not unanimously affirm the contrary, and that those who do affirm it, should pretend to be Masters in Israel, and not know so much as what their Faith is. *But some endeavour to prove it from Scripture as a meer Theological Truth; others from Prescription; others from Donation, or Agreement betwixt Catholick Princes.* I thought they would not have gone less, then the Universal Pastor, and direct Commission from Christ. For those have been the Pleas perpetually insisted on in this suit. Now it seems they will be content to drive the nail that will go, and yield to any terms so they gain the point. It is some comfort yet to perceive

ceive that they themselves think not fit to trust the former Topics, when they fly to new ones, and such as are the most unlikely in the World to do them service. For there is little hope in *Prescription* where the point has always been contested; as this confessedly has, and that Princes should voluntarily give, or agree away their Rights, is yet more desperate. He says the famous constitution of the Council of *Lateran* is alledged to this purpose; which is news to me. I think it is usually alledged to exalt the deposing Doctrine into Faith: to which purpose it is alledged by the Author of the first Treatise. If he think the back of the knife sharper than the edge, he may use it as he pleases. But in all appearance 'twil cut no better. That assent of the Ambassadors of Princes, which he mentions, seems to me a strong proof, that the Princes that sent them were not concern'd in the Decree. For they were strange Ambassadors, if they assented to a Decree prejudicial to their Masters, without Commission; and they were stranger Princes, if they gave Commission to prejudice their own Rights. And though these strange things could be supposed, it yet remains to be considered whether such Commissions could validly be granted by those Princes, without the privy and consent of their Kingdoms, they having so much interest in the business. Wherefore his unexpected allegation is a strong inducement to persuade one, that Sovereign Princes, as they are not exprest, so were never meant in the Constitution.

It is not impossible, says he, *Señ. 107.* that Catholick Princes should make a League to attack him among them who should turn Heretick, &c. And what then? *It is not impossible, therefore it is,* is no better than *'Tis not Faith, therefore 'tis not true,* as he would make his Adversaries argue. Tell us not what may be, but what is, if you will speak to purpose. And yet it were at least something, if these May-be's were a jot serviceable. But he tells us, that though such a League were made, and the Pope should declare upon it, and a Prince be deposed, this Prince would not be deposed in force of the Popes Declaration, but of the Contract. Which is to say, that the Pope and the Oath have nothing to do with his not-impossible Case. And sure he might have spent his and our time more profitably, than to amuse us with such things which never were, and never will be, and which though they were, all would be just as if they were not. He concludes at last in the following Section, that the fore-mentioned Reason is mani-

feſtly falſe. Very right. And it is alſo manifeſtly falſe that any body ever took it for a Reaſon.

And ſo he paſſes to what he calls another main Argument, and of which, he ſays, the Defenders of the Oath make great account. This Section 109 he propoſes in this manner : *That our Saviour came not into the World to deprive other men of their Temporal Dominions, much leſs Kings of their Kingdoms.* For which he cries out of the Goſpel, *Regnum meum non eſt de hoc mundo*, and out of a Hymn of the Church, *Non eripit mortalia qui regna dat caeleſtia.* Hence, ſays he, *they infer that the Pope has no power, for his power muſt be immediately deriv'd from Chriſt, whoſe Vicar he is.* They do indeed make great account of the Goſpel, and the Church ; but I do not think they make any account of this Argument, or ever made it. They argue not from the end for which Chriſt came, but from the Power he thought fit to aſſume himſelf, and leave in the World after him to compaſs that end. This Power they have learnt from him, and the Church, is not of this World, or ſuch by which the things of this World are taken away ; and this Power they deny the Pope, becauſe Chriſt deni'd it of himſelf. Their Inference then is this ; Chriſt had no ſuch Power, therefore neither has the Pope. Chriſt came not to take away Kingdoms, therefore the Pope cannot, or Chriſt could not, is an Inference of his own making, and he may do what he will with his own, ſave putting it on his Adverſaries.

Three things he has to ſay on this Subject. 1. *That the Authority of Chriſt, and the Apoſtles, did in ſome caſes extend it ſelf to the deprivation of Temporals.* Which, he ſays, has been proved. I wiſh he had ſaid where. For as my memory is bad, I remember nothing but our Savior's caſting the Buyers and Sellers out of the Temple, and the deaths of *Ananias* and *Sapphira*, which were formerly mentioned to ſhew that Chriſt and his Apoſtles uſed a Temporal Power, which, in the ſame place, he ſays, they did not uſe. If theſe paſſages be the proof he means, I muſt, before I can answer it, expect to ſee which way he will go about to contrive them into a proof. For of themſelves they ſeem far enough from it.

In the firſt caſe there was no deprivation of Temporals, that I perceive. The Money and Victims were not taken away, only the profanation of a holy place was hindred, and that miraculoſly. This, in the opinion of *St. Hierom*, being the greateſt of Chriſt's Miracles.

In

In the deaths of *Ananias* and *Saphira* I see not what share the Apostle had, more than a prophetic denouncing of a Judgment of God ready to fall upon their Avarice. Otherwise he did not cut their throats, or offer them any violence. Now 'tis past my imagination, how Miracles, and no-deprivation, should do this Gentleman service.

Secondly, that this consequence, *Christ had no such Power*, therefore *the Pope has it not*, is null, because since Christs time, the Pope is become a Temporal Prince. Very true: but this consequence is good, *Christ had no such Power*, therefore *the Pope has it not purely from Christ*, which is all the consequence his Adversaries make. And so much he himself grants, by acknowledging this Temporal Sovereignty was granted by Temporal Princes, or otherwise acquired. And for the rest, I have often declared that the Oath meddles not with the Temporal Power either of the Pope, or any other Prince.

Thirdly, That the Scripture and Hymn cited, do not prove, that *our Saviour had no Authority in some extraordinary case, to deprive Kings of their Dominions*. The Butter, it seems would not hold out to the Bread, it is so thin spread. Otherwise it needed not to have been made one Head, that 'tis manifestly false, and another, that 'tis not proved. Proofs are superfluous where things are manifest. Neither did any Man, that I know, ever deny that Christ had Authority in extraordinary, and ordinary, and all cases, to dispose of Kingdoms, and all Nature too, as he pleased. He was God, and might do what he would with his Creatures. But speaking of that ordinary power which he thought fit to assume as Man, and establish in the Church after him, what ails the Scripture and Hymn cited, that they may not pass for a proof?

A body would expect this should be shewn by what follows; but for ought I perceive, he may expect long enough, and get nothing at last. God, says this Gentleman, *has not given me this life to kill my Neighbour*; yet I may sometimes unblameable do it. *The King was not made King to take away from other Princes their Dominions: yet may, if otherwise he cannot defend his own*. What then? This is to say, one may use the power which he has, more ways than one. For who actually kills his Neighbour, has certainly power to kill him; and who dispossesses another Prince, power to dispossess

him. But, whether Christ, in the forementioned respects, had power to deprive Kings of their Dominions, or no, is the question; to which nothing is said, by saying that if he had it, he might use it several ways. What else he adds, is of the same strain, altogether wide of the mark, and which I think the Reader will need no more than his own eyes, to see is so.

In the 110. *Señ.* he objects against himself, that the cases alledged by him, may be attributed to an extraordinary power in Christ and his Apostles, not derived by succession to the Pope. To this he answers, that *all the cases alledged are not such*, instancing in the power of depriving a Man of civil conversation by Excommunication, and separating a Husband from his Wife, *inherent in the Pope according to his ordinary Jurisdiction*. This is surprising, nor can I imagine which way instances of ordinary power in the Pope, should prove the instances alledged did not proceed from extraordinary power in Christ. He is to shew there intervened no extraordinary power in his instances of the buyers, and sellers, and *Ananias*, and *Sapphira*; if he will speak to the purpose. No body denies the power of Excommunication was ordinary and deriv'd from Christ. The question is, of the power of deposition. And that I should think will hardly be prov'd to be ordinary, by this, that the power of Excommunication is so.

He adds that *the forementioned Instances do shew, that though Christ's Power upon Earth was meerly Spiritual, and his Kingdom not of this World, yet he exercis'd sometimes his power over Temporals, which was the main intent for which they were brought*. Truly he needed not have put himself to the trouble of bringing any for that intent. For that Spiritual power may be exercised over Temporals, no body denies. But 'tis deny'd that any instance he has, or can bring, proves that the meer Spiritual and ordinary power of Christ extended to deprive Kings of their Kingdoms. When he has prov'd this by his instances, he will indeed have done his business, and something more. For he will have proved too, that Christ's power on Earth was not meerly Spiritual, and that his Kingdom was of this World.

Finally, he says, *that it is a very extraordinary case, for Popes to depose Kings, and even (which is much less) to Excommunicate them*. And the deposing Men say, *the Pope has received that power only for extraordinary cases*. As if it were to purpose what the case is, when

we are talking of the Power. If the Power be ordinary, it is to be feared the Case may prove but too ordinary one day. For it is no such extraordinary thing for a Prince to do, what some of the maintainers of deposing Doctrine say, is a just cause of deposition. But letting that pass, I would only know how this, which he says here, makes to his purpose. He was to shew that there was no extraordinary power in the instances by him alledged. Whether the cases, in which some say the Pope may depose, be this or that, ordinary or extraordinary, to my apprehension contributes nothing towards shewing, that the Power of Christ and his Apostles, in his instances, was not extraordinary.

SECT. 111. *He cannot but reflect upon his Adversaries.* Reflections in my opinion, are not so very necessary towards the satisfaction of peoples Consciences, but that they might be well enough spared. Yet 'tis not to be expected, his Adversaries should scape them, if they have deserv'd them. Let us see how rational they are. *They require,* says he, *that the Kings dethroning Power be shewn out of Scripture.* This I have met with, and answered before. It is not true that they absolutely require Scripture proof. They require proof from Scripture, or some other Topick, by which Faith may be proved, from those who will have the dethroning power Faith: and from those who will have it True, they require such a proof as may make it appear True. And this I think is rational. But to impose upon them, that nothing will serve their turn but Scripture proof: to traduce them for making Scripture the only rule of Faith: and then cry them down for Hereticks: is not fair play. And I must needs think their Conduct more rational than his Reflection.

If, says he farther, the deposing Men produce out of Scripture several Instances to prove that Christ and his Apostles Power did extend it self sometimes to Temporals; than they answer, that such cases were extraordinary, and consequently ought not be brought as proofs of any such power in the Pope. This is in short, we can make no Argument, which our ill natur'd Adversaries will not make a shift to answer; a wonderful rational complaint without doubt. Twist your Ropes stronger if you will have them hold, or if you cannot, complain of your selves, and your rotten materials, and not of your Adversaries. Men are stubborn now a days, and will not be held by Threads which they can break. Yet he complains on, *That though Christ had deposed never so many Kings, the same Answer, by flying*

to extraordinary power, *would put them all off*. And this is just the Shepherds quarrel, who fell to cuffs whose flock should first pass the Bridge, if there had been one, when all the while there was none. Christ never depos'd a King in his Life: what have we to do to examine whether he had acted by an ordinary, or extraordinary power if he had?

The truth is, all this is empty common place work. That Christ was God as well as Man, and had extraordinary and miraculous, as well as ordinary power, and might, and did use now the one, now the other, as he pleased; this Gentleman with all his reflections will not deny. People may be in the right, and they may be in the wrong, when they attribute effects to either power. But that right and wrong cannot be determined, but by descending to particulars. Since it is manifest that Christ did use extraordinary power; it is manifest his Adversaries may have reason to attribute an effect to extraordinary power, unless he shew in particular that it proceeded from ordinary. To talk in generals, is to shoot at random, make a noise, and hit no body, unless by chance. The trick of enlarging on common places is sometimes used in Rhetorick, for Amplification; but if it stay in the *may be*, and come not to the *Is*, it is insipid, and and hardly passable even there. When people are in search of concerning-truths, there is no place for it.

The 112. *Señ.* mentions for another reason of his Adversaries, that, *before the time of Gregory VII. there was no precedent of deposition*. I fear this Gentleman, whom I cannot suspect of dissembling what he thinks makes against him, has not himself examined matters so carefully, as those whom he concludes *destitute of all rational motives*, and mov'd to stand out only by *Ignorance, and Obstinacy*. However it happens, no one of their reasons has hitherto been urged home. This is the fairest put of any; For 'tis at least the *Truth*, but yet it is not the *whole Truth*. Want of Precedents is not the only thing alledged. They alledge besides, that none of the Fathers taught deposition, and not only so, but that many of them taught Doctrine absolutely inconsistent with it. And they conceive that a Doctrine neither practis'd nor taught, for 10 whole Ages, in which too the contrary was irreprehensibly taught, cannot be a Doctrine of the Church. For this Topick reaches no farther. Who will notwithstanding stand up for the Truth of it, may do so, and be heard, and do wonders, if he can, with his Argument. In the mean time, what has this Gentleman to say to the Reason objected?

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He says, *It is not solid. First, because those who ground the Deposing Power upon Prescription or Agreement made between Princes, can easily answer, that in the time of the Pagan Emperors there was no such Prescription or Argument made.* And we can as easily reply, that there never was any since. Till Time, and Place, and Persons be specif'd; The Princes named who agreed away their Rights; The Commissions and Instructions produced, by which their Embassadors were impowr'd to pass them away; The Nations shewn, in which the Prescription had place, and the Agreement was observed; in fine, till all particulars be proved, which in a matter of this consequence ought be proved; I doubt the Reason will appear more solid than the Answer. This Prescription, and Agreement is a Fancy, which I do not remember to have met with any where but in these Papers, and which if I had not met with there, I should hardly have believ'd could have entred into a sober Head. I cannot look upon it otherwise than as a twig of a drowning man, and so I leave it with a flat denial.

Secondly, because, since Deposition was to be put in execution by the help of some Christian Prince, there was not for a long time any Christian Prince at all, or any one so powerful that could put it in Execution. This Answer is not more solid than the other. For there were Christian Princes enough, and powerful enough, betwixt Constantine and Gregory VII, if their help were so absolutely necessary. But I see not what need there was of them, as long as there were Christian Subjects. For why might not they have serv'd turn in case of necessity? Let but Subjects universally withdraw their Obedience, and their Prince shall be Depos'd, though there be never another, besides himself, in the World. Now if the Pope could absolve them from their Allegiance, and oblige them to withdraw their Obedience, he might have put his Deposing Power in practice often enough, and never staid for the help of a Christian Prince. For 'tis plain there were Christian Subjects enough in the World before Gregory VII.

Thirdly, because 'tis no good Argument, such a Power was not exercis'd till such a time, therefore there was no such Power till such a time. Truly it is not very good, and while he has the making of his Adversaries Arguments, none ever shall, for ought I see. I suspect his Adversaries would hardly take that Conclusion, though he should willingly give it them, and much less take pains to settle it. For to
say,

say, *There was no such Power till such a time*, is almost to say, that *at, or after such a time there was*, which they are far enough from allowing. But though they would admit the conclusion, I can hardly think, as ignorant as he makes them, they would deduce it from an Antecedent which manifestly infers it not. The Exercise of a Power may several ways be superseded, without prejudice to the Power. The Case may not happen, in which it is to be exercis'd: or, if it do, it may be accompanied with Circumstances which render the exercise improper, &c. But yet, I fancy, the Shop affords good Ware, if people would chuse it.

Put for the Antecedent, *That such a Power was neither exercis'd nor taught in the Church, before such a time*, and I conceive it follows, *That such a Power was never taught by Christ*. This Consequence, even bating that the contrary was taught in the Church, whoever will deny, must, I fear, be forc't to grant, that the Church was no faithful Depositary of the Doctrin delivered to her by Christ. For if she did preserve the sacred *Depositum* intire, and Deposing Doctrin were not found in her store-house, 'tis manifest that Deposing was never put into it.

Again, Suppose his Adversaries should desire to know of this Gentleman, whether in those times in which they neither exercis'd, nor taught any such Power, he thinks they knew of any such Power? If he thinks they did, it will be expected he should declare what Motives he has to think so, and from whence he can gather that knowledge in the Church, but from their Actions or Words. If he thinks they did not, it will be required he should shew, how those in after Ages came to know what was not known in the former. 'Tis manifest they could not learn it, when there were no Masters who knew, and could teach it. And so there remains nothing to be said, that I can see, but that they found it out of themselves. Now let him take along with him, that the Power in question pretends to be deriv'd from Christ, and then consider how he will answer it to Catholick Principles, to make a point pretended to be deriv'd from Christ, known to be deriv'd from him, otherwise than by the continued attestation of Ages succeeding one another.

I forbear to urge farther, because it is not my part to Argue. But when to this is added, that Doctrin incompatible with Deposition was publickly, and irreprehensibly, and I had almost said universally taught by the Fathers; That the Case and Circumstances hapned
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more than once before the time of *Gregory VII*, in which, if the Church had known of any such Power entrusted with her by Christ, she was hardly excusable for not using it; and what else the Topick affords, to those who would sift it, I think his Adversaries have reason to set a value upon it, and him no ill friend to his cause in touching it with tenderness. He talks besides of Excommunicating *nominatim*, as if there were mystery in it, and of calling General Councils, both which serving only to prove, that a Power need not always be exerciz'd, I think I may leave untoucht.

The 115 *Section* closes up this point with what he calls another Reason; which is, that *the Authors* (he impugns) *cannot understand the difference between the Direct, and the Indirect Power*. I must confess I am as dull as those he speaks of. But I have so great a curiosity to understand something of this matter, that I will not delay my satisfaction, by staying to ask so much as, of what this is a Reason. Though otherwise, *not to understand*, seems but an odd Reason for any thing. He begins with acknowledging, that *if a Prince be really Deposed, the Effect is the same, whether he was Deposed by a Direct or Indirect Power*. Now methinks it bodes ill, that they confessedly agree in the Effect. For that being the thing in which the Impugners are most concerned, 'tis to be feared that other differences will not prove to satisfaction; Airy *Quelque chose* being as little proper to satisfy the hunger of Truth, as of Food. However let us see them, such as they are.

For, says he, *certainly 'tis harder, more extraordinary, and more skill is required to strike a set mark by Bricol than by a direct stroke*. This *For* comes in abruptly, and makes me suspect an Error in the Press. The meaning, I suppose, is, that *Indirect* Deposing Power is put in execution with more difficulty than *Direct*. And if he would shew but so much, it were something, though but little to the security of Princes. For if they may be Deposed as often as difficulties may be overcome, their condition is but tottering. But why is there more difficulty in the practise of the one, than of the other? what more pains, or more skill, or more extraordinary cause goes to the *Indirect*, than the *Direct*? Till he shew us where this greater difficulty lies, there appears no difference even as to the easiness; though when there does, it will not, as I said before, be much to purpose. For difficult things are brought to pass every day; nor can a Prince be Depos'd even by the *Direct* Power, without great, and not ordinarily overcome Difficulty.

But there is moreover a vast difference, and that so palpable, that sure these Authors could not chuse but perceive it. I know not why he should think those Authors were blind, or kept their eyes shut. Some who read them I am sure think otherwise. But let them pass, and let us see, or feel this difference, if it be so palpable. Is there not a great difference between the Power his Majesty has to Depose, or recall a Lord Lieutenant of Ireland, and to Depose a Foreign Prince, when he cannot otherwise defend his Subjects? And so between several other Powers he mentions. Certainly such Powers are very different; and as different is a Direct or Absolute Power, from an Indirect or Conditional Power only to Depose Princes. How! *Absolute* and *Conditional*? why should they thrust in where they have nothing to do? Pray let them stand by, till they are called. Our business is with *Direct* and *Indirect*. And Bellarmine tells us, that *Indirect* (speaking of the matter in hand, the Popes power to Depose) is *per se*, and properly *Spiritual*, and is referred *Directly* to *Spirituals*, as the primary Object; but *Indirectly*, that is, in order to *Spirituals*, *reductively*, &c. regards *Temporals*, as a secondary Object, &c. And then *Direct* must needs be a Power *per se*, and properly *Temporal*, and which is referred directly as to *Temporals* the primary Object. 'Tis betwixt these two we would gladly see a difference, and a difference (in the words of the Author from whom he borrow'd the *Bricol*) as to some real effect of Government, and which has influence on Human Affairs. And he, when he comes to shew us a vast and palpable difference betwixt these two, tells us of a difference betwixt two others, and being ask'd of *Direct* and *Indirect*, answers of *Absolute* and *Conditional*. They are blind indeed who cannot see a difference betwixt *Absolute* and *Conditional*: but they must be more than ordinarily quick-sighted, who can see the difference betwixt them, is a difference betwixt Powers which are not they.

This is not to shew, but to make a difference; and that by a method, by which any body may find, or make a difference any where. For allow the dullest man that is, the liberty to alter the notions of words, and I shall wonder much if *sameness* it self escape a difference. And yet when all is don, it had e'en as good have been let alone. By confounding *Direct* with *Absolute*, and *Indirect* with *Conditional* he makes but a hard shift to leap out of the Frying pan into the Fire. He may indeed avoid the importunity of being Dun'd for a difference, but people will be importunate still. For *Conditional Power to Depose*,
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signifying Power to depose in certain conditions, or cases: We who think power to depose in any case, prejudicial to Princes and Civil Government, shall still be importune to know, how power to depose in some, and those peradventure many; and often hapning cases, is not prejudicial.

He tells us next, *that Direct or Absolute Power is inconsistent with the Sovereignty of Princes, but not Indirect or Conditional.* With the perplexing confusion of these Powers I am at a loss to which in particular I should direct my Answer, and could find in my heart to turn it off, with desiring him to prove what he says. For it is unreasonable, his bare word should carry a matter of this importance. But yet I will tell him, why I conceive he cannot prove it of any. A Sovereign signifies one who has no power on Earth above him, in those things in which he is Sovereign. Who puts a power on Earth, which can take away this Sovereigns power over those things, puts a power on Earth above him, and makes him not-Sovereign. Call this power how you will, if it be above him, it is inconsistent with Sovereignty. Let it be only *Conditional*, or such which operates only in certain cases, still it will be power above him in these cases, and in those cases he will not be Sovereign. Wherefore *Direct* and *Indirect*, are equally inconsistent with Sovereignty, *Absolute* more, *Conditional* less, but all inconsistent. And it was not amiss in him, never to go about giving a reason for an assertion, for which no reason can be given.

He goes on saying, *That a direct and absolute Power is easily, often, and many times at the meer pleasure of him that is invested therewith, put in execution: whereas a pure Indirect Power is seldom reduced to practice, and in some extravagant case only.* And 'tis true, that in other cases *Direct* and *Absolute* Powers are practis'd often enough. But speaking of the matter in hand, *viz.* deposing, neither *Direct* nor *Indirect* power is often practis'd. For which the World is beholding, not to any difference betwixt the powers, but to it self which acknowledges neither. Otherwise why may not the *Indirect* be practis'd as often, and as easily, and as much at pleasure as the *Direct*? For few of those who make the deposing power *Direct*, make it so *Absolute*, that there needs no cause to its exercise. And there needs but cause for the exercise of the *Indirect*. And when this cause, or extravagant case happens (which by the way is

not so extravagant but that it occurs often), it may set the one a work as well, and every jot as easily, as the other.

But Hence he deduces, *That the Indirect Power is not inconsistent with the security of Princes, nor with the Duty, and Respect due unto them.* Whence pray? from what follows I suppose. For I see nothing before, from whence he can induce it. For certainly, says he, *one Prince may be secure of another; and yet every Prince has an Indirect Power to depose any other Sovereign, in case it be necessary for the defence of his own Subjects.* Why *Indirect*, I beseech you? For I should think that every Prince, who has Justice on his side, has very *Direct* Power to make, and prosecute War against another Prince, as far as he sees needful. But letting that pass, what this Gentleman says, in other words, is this. One Prince may be secure of another, while that other has no power to depose him. For till it become necessary for the defence of his own Subjects, it is supposed he cannot, or has not power to do it. But then, if the first can depose him, the last certainly is not secure. Apply this now to the Pope, and 'tis to say, that Princes are secure of the Pope while the Pope has no power to depose them. Or if you will say, he has *Power* all the while, only he cannot *Exercise* it till then, I see not how the case is altered, otherwise then notionally, and therefore will not meddle with the subtlety. As to any real effect, Power which cannot be exercis'd, either is not Power, or æquivalent. Still it remains, that Princes are not secure, when the Pope has a Power, which can be exercis'd. And this is an excellent proof of the consistence of *Indirect* Power with the security of Princes, which as soon as it can operate, they are not secure.

He mentions in the last place, the security with which people walk the streets, when yet every Man has *Indirect* Power to kill any one, who unjustly attacks him. As if there were any *Indirectness* in the case, when I direct my Sword to another Man's breast, and run him directly through. 'Tis lawless power this Gentleman means. For indeed we could not walk the streets securely, if we might happen to meet a Man, who might freely kill any body in his way. But such kind of Power, I think, was never fancy'd in the Pope. Those who give him most, allow him not, with what they call *Direct* and *Absolute* Power, to depose a Prince for nothing. But, when the *something* which they require, happens it may set the *Indirect* Power a work as well.

well as the *Direct*, nor has a Prince any more security against the one, than the other.

Sett. 116. He undertakes to clear the *Indirect* Power, even from the imputation of want of Respect to Princes. Fond Parents sometimes look more after neatness, and manners in their Children than Health. I think it would have been time enough to have considered how mannerly his Doctrine is, when we had been agreed of the soundness. But he will needs tell us, *That Catholick Divines (without being charged therefore with disrespect towards him) affirm more of the Pope in this point, than of meer Temporal Princes. For they openly defend, that should the Pope become an Heretick, he would, ipso facto, cease to be Pope.* Which they do not affirm of a King, since even Bellarmin and Peron are not of opinion that a Prince can be deposed merely because he is an Heretick, unless moreover he does endeavor to pervert his Subjects. What Catholick Divines affirm or deny of the Pope, and whether they be respectful or disrespectful to him, is nothing to the question of respect due to meer Temporal Princes. But will he pass his word for the truth of what he says? will he permit us to vouch him, if we affirm that they are not Catholick Divines who say, that a King by Heresie *ipso facto* ceases to be King? Bellarmin and Peron, he says, are not of that opinion. What then, if others be? Those others may carry it against Bellarmin and Peron, for any thing he says to the contrary; nor can I imagin what respect, or service Princes can expect from their Subjects, by citing Bellarmin and Peron.

Besides, what they say is purely *gratis*. Allow their Arguments conclude a Power to Depose in one Case, and they will conclude for a hundred. With Perversion, Heresie, and with Heresie all the rest will croud in, in spite of all prevention. So that there is no way but to keep the Doors fast shut, and give entrance to none. But this concerns the *Security* of Princes, not the *Respect* due to them, of which alone I thought he would have spoken. For what concerns that matter, I see nothing but that, since Divines are not held disrespectful to the Pope, for saying he ceases *ipso facto* to be Pope by Heresie, they are not to be held disrespectful to Princes who say less of them. Since he speaks only of these, I forbear to observe that the Argument would justify, for this matter of respect, those too who say more. But I cannot understand, while this *less*, which is said of Princes, is enough to take their Kingdoms sometimes from them, how the Opinion is extraordinary.

traordinary respectful. For sure dispossess Princes will not be much respected, or at least not so much as they were before. In the close, he starts away to *Swearing* again; of which he repeats a little of what has been said before, and then gathers, in the next *Section*, what he would have, into a Conclusion. Which I leave to the Readers Judgment, being glad my self to come, on any Terms, to a Conclusion of so tedious a business.

What remains to the end of the Book is so little material, that I cannot but grudge the small pains I mean to take about it. *Sect. 118.* he objects the *Example of such Catholics as have taken the Oath*: a Topick on which I should not lay much stress. For since Ill ought not be don by Example, and Good ought to be don without it, Example seems either needless, or useless, and *Good or Bad* the only pertinent Considerations. Notwithstanding, it being a Comfort to travel these roads in the company of men of Learning and Conscience, that Comfort is afforded by the Example. For after he has said all he can, they were known to be learned and conscientious men who took the Oath. His Exceptions are a great deal weaker than the Topick. All amount to this, that the Takers *may* have proceeded on this, or that slight ground. Which, till he shew that they *did* do so, is chattering, not disputing. All is pure groundless suspicion, to which I conceive it neither Charitable, nor Reasonable to hearken. For any body may causelessly suspect every body. Besides, when they have themselves declared the Motives on which they proceeded, I know not what can be more vain than to fancy other Motives for them.

As for the Tricks which *Section 121.* and in those which follow, he assigns for the Takers Motives, he may keep them if he please, for those who value or use them. The Takers are more plain dealing people. They are perswaded it is their Duty to take the Oath, and they are so perswaded, because they know Allegiance is commanded by the Law of God; and see nothing in the Oath but Profession of that Allegiance. Those subtleties of which he talks, suit not with the Candor of their Conduct. Yet I cannot but wonder, that distinguishing betwixt *Malum per se* and *Malum quia Prohibitum*, he makes it an imputation to proceed on supposal of the latter, when all his business is to fright people from the Oath, because it is forbid. Sure he has forgot his own Argument. Were there any *Malum in se* in the Oath, as, he says, has been shewn above, methinks I might have found it; for I look't for it as carefully as I could. Sure I am, his grounding the

the unlawfulness of the Oath upon the Prohibition, and his learned Syllogism to prove it, might have been spared. For Ill is not to be don, whether it be forbid by the Pope or no. Then for the fear he is in Sect. 124. lest people should think that the *Direct* power only is excluded by the Oath, and the care he takes to shew that the *Indirect* is excluded too, he may please not to trouble himself with that matter. For we readily acknowledge that *All* Deposing power is excluded by the Oath, by what name soever called, so it be truly Authoritative Deposing Power. For of strength, or the power of Temporal Princes, the Oath speaks not. And in that sense we understand and take the Oath.

Sect. 126. He objects, *That should the Oath be understood in the Latitude pretended, (viz. of the Power of Temporal Princes) the Protestants themselves, who take it, would be manifest Perjurers. For they would swear in taking this Oath, that the Pope is not Sovereign Temporal Prince of Rome.* To this he answers, Sect. 127. *That all Catholics must confess, that whoever takes the Oath of Supremacy does swear false; and consequently, that those Protestants, who framed and took it, were manifest Perjurers.* And therefore Sect. 128. *it is no wonder if Protestants, out of Indignation towards Catholics, should frame such an Oath of Allegiance, that even they themselves could not take it without being perjured.*

It is not for me to undertake the defence of Protestants, nor do I believe they would trust their concerns in my hands. But because this matter serves to clear the sense of the Oath, I am obliged to say something, and must needs say I never met with any thing more unreasonable. In places where an *Heretick* is as strange a Monster as a *Papist* here, if such extravagancies be sometimes blurted out, the wonder is not great. But that One who lives among them, and sees, with all their Errors and all their Faults, (as there is no Catholick Country in which there are not bad men too) there are many who fear God and his Judgments, and live in hopes of Salvation, should fancy such things of them, is what I never thought I should have found in a sober man.

I, but they are manifest Perjurers by taking the Oath of Supremacy. Pray be a little more charitable, if you please, and content your self with thinking, that what they swear is false. But conclude not they are therefore manifest Perjurers. For Perjury signifies a *Lye* sworn, and every *Falshood* is not a *Lye*. What Protestants swear, they take

to.

to be *True*. Whatever he think of them, I shall never believe their Conscience will suffer them to swear what they know to be false. Nay, though they had no Conscience, meer worldly respects would preserve them from so foul a stain. For they would become the scorn of all their Neighbors: nor would any Treat, or Commerce with them, since none could confide in any Agreements, how strongly soever ratified, made with people who should solemnly swear, and by Law oblige their Subjects to swear what all-knew to be false. Wherefore this fancy of his, besides uncharitable, is as irrational as can be. And it remains evident, that the Oath cannot be understood in the Latitude pretended; viz. of the power of Temporal Princes: since Protestants know, as well as He, that the Pope is, and for some Ages has been, in possession of the Power of a Temporal Prince, and would swear what themselves knew to be false, if they swore according to the sense which he so groundlessly pins upon the Oath.

At last he concludes, that the example of Catholicks who have taken the Oath, *as grounding themselves upon palpable mistakes and misinformations*, cannot be a prudent motive for others to take it, &c. What work might he make, who had a mind to it, with *promises*, which have nothing, but *may be* they were mistaken and misinformed there, and a *Conclusion* which infers, (*justly* he says) that actually they were mistaken and misinformed, and that palpably. But I shall leave it untoucht to the Reader. When all is don, they were honest men who took the Oath, and they were not Fools. By this Gentlemans favor, there were good grounds, on which they may have proceeded if they would. And I, for my part, think there is more Reason to believe they did proceed on good grounds, than Justice in suspecting they did the contrary.

The next Consideration, *Section 130.* is concerning the Authority of the Ancient Fathers, of which he speaks off and on, and so as to leave it doubtful to what he would finally trust. Sometimes he would have it thought the Fathers are for him, because *Bellarmin*, and those of his side, cite Councils and Fathers, as well as *Withrington*, and his fellows. And there is as much reason to believe *Bellarmin* as *Withrington*. I think so too: but till they agree on the matter, I think there is more reason to believe neither, but take the pains to look on the Fathers our selves, and judge as we find. I suppose they intend we should do so, when they cite the Fathers. And I suppose too, that if he thought the Fathers were indeed on his side, he would stand

to it, and never trouble himself with other Answers to the Objection.

But he thought it not fit to put the matter upon this Issue, and after he had faintly insinuated thus much, proceeds to bear us in hand it is no great matter what the Fathers thought, *since the Judgment of ancient Lawyers will little avail a man in a suit at Law, which the moderns determin against them*; and that *the ancient Fathers are not to be alledged for an Opinion condemn'd by the Church or Pope*. This is upon the matter to confess, or at least much to fear, that the Authority of the Fathers, such as it is, is against him. Yet till that point be plainly agreed, I think it improper to spend time in examining how far it is to be valued. But, I conceive, that Children, as bad as the World is, have so much reverence to Parents, that they will be apt, say what he can, to be led by them. I am not very well satisfi'd to see him equal the Condemnation of the *Church and Pope*, betwixt whom, unless he be for *Personal Infallibility*, methinks he should allow some difference. Besides, the Doctrin of the Oath of Allegiance has not been condemn'd so much as by any Pope. The Oath indeed has in general Terms; but no Pope, that I know, ever has, nor, I believe, ever will condemn the not - Deposing Doctrin particularly. For, I think, he will not alledge the *Dictatus Papæ*. But let these matters pass.

The main exception against the Fathers seems to be, that they speak not clear enough to silence all reply. *If they be against deposing Power, they are not therefore for every part of the Oath, at least to such a degree, that we may positively swear them all; If against deposing Power, in one sence, yet not in another; If against Direct, not against Indirect, &c.* As if it could be expected, or were ever pretended, from the Fathers, that they should dam up every winding of a Meander, which was not so much as sprung in their days. While they lived, it never entred into the head of any Man, that there was such a thing as deposing Power in the World. If they must stand by unregarded, till they have unravell'd every subtle intricacy, with which a question, woven since their death, is perplext, they are like to have little to do with the business.

That which is pretended from them is, that what they did teach, is irreconcilable with what has been taught since, of deposing, which way soever disguized. And this divers, and in particular *Carem*, think they have evidently shewn. This Gentleman would make us

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believe

believe he can do wonders against *Caron* if he pleased. Nevertheless, the Book remains unanswered; and till those gross mistakes, he talks of, be laid open, there is no great reason to believe *Caron* would delude his Readers with Forgeries, and yet direct them where they are to be found. For he quotes particularly enough. Not but that there may be very well more than one mistake in him: but could this Gentleman shew he were out in the main, and did not prove as much as is necessary, I think it would have been worth his pains to have done it. If he be so scanted of Time, he might at least more usefully have employ'd on that Subject, the Time he has spent on this Treatise. For let him say what he will, the Fathers are men of esteem in the World, and 'twould be for his advantage if he could draw them over to his party.

Lastly, He asks if it be not the unanimous consent of the ancient Fathers, that we are bound to afford at least an exterior obedience to the Popes express Commands, in matters appertaining to him, if the compliance with them be not manifestly sinful. I suspect that Question was as little thought of by the Fathers, as Deposing. But I am confident, if it had been askt them, they would never, with unanimous consent, allow the Pope to forbid a thing, which has a necessary connexion with what they, with unanimous consent, taught to be the Law of God. Or if he did, that his Command is to be obey'd. But this is the old dish, serv'd up again with a new sauce of the Fathers, and I am now cloy'd with it.

Section 136. He begins to dispute the Probability of the Opinion which asserts the Lawfulness of the Oath, and says first, That an express Declaration or Prohibition of the Church or Pope, renders a thing practically improbable, which of it self, and prescindg from the Prohibition, is probably or certainly lawful. I conceive that more than this is true, and that such a Prohibition renders a thing, lawful before, not only practically improbable, but certainly unlawful. But then by Lawful is meant a thing left at liberty by the Law of God, or not contrary to it. Such things are rendered unlawful, when they are forbid by human Laws. If you mean by Lawful, what the case requires should be meant, commanded by the Law of God, there is no Authority on Earth which can make such a thing unlawful. And though there were, according to this Gentleman, it has not been exercis'd in our case. For, he says, the Breves which make the Oath unlawful, are Declaratory. And Declaratory Precepts, he knows,
do

do not *make* things unlawful, but only *declare* them to be so. But 'tis as I foresaw at first it would be. The unlawfulness varies, according to occasion. Here the Prohibition makes the Oath unlawful, and a few Paragraphs before, he quarrels at his Adversaries for thinking the Oath *Malum quia prohibitum*. I hope he will not quarrel too with me for making him say, that the Breves make the Oath unlawful, while he only says, they make it practically improbable, that 'tis lawful to take it. For I take these two to be the same, since we cannot do what is not at least probably lawful. And then *practically improbable*, and *unlawful as to practice* is all one.

Section 137. He says, *That it is not probable, nor credible, that the maintainers of the Oath would have made (as they did) their applications to the Pope, to the end he might give sentence of the Lawfulness thereof, and whether it did contain any thing contrary to Faith, or not, had they not been persuaded, that the Decision of these matters appertained to him. And that it was ridiculous to refer themselves to the Popes judgment, if they were resolved not to submit, even exteriourly, to his judgment, in case he should give sentence against them, as he did. As if it were not a great deal less probable, and less credible, and more ridiculous, they should apply themselves to the Pope for a decision of matters, which he had decided already. For these applications were not made, till after the Breves were come out, by which they knew the Popes sense of things well enough without needing to importune him for that matter. That for which they applied themselves to the Pope, was to intreat him to hear both sides, and not rely altogether on the Information of one: To instruct them, in pursuance of his Pastoral care, what those many things were, which the Oath contains contrary to Faith and Salvation, or at least to let them know One of the Many; To receive the maintainers of the Oath into his favor, if after examination of their Reasons, he should perceive they had incurred his displeasure without cause. In short, to do them Justice, and either make known all, or some of the things, for which he condemn'd their Writings, or recal his Condemnation, &c. Whether these Petitions were reasonable, or no, I forbear to examine; but I would intreat this Gentleman, the next time he tells us what the maintainers of the Oath have done, to inform himself a little more exactly of matter of Fact. For if he trust, as now he seems to have done, altogether to his Fancy, he may easily be deceived.*

*Supplic.
Wichring.
ad Paul. V.
in his Disp.
Theolog. de
Juramento
Fidelitatis.*

*Copy of Wichringtons
Purgation
and Supplication
in his last
Rejoinder
to Fitzherbert.*

The 138 *Section* talks of what might happen, if the Pope had given sentence for the *Maintainers* against the *Impugners*. I, for my part, love not to talk in the Air, of things which never hapned, and perhaps never will; nor can I imagin what this consideration serves for, but to provoke people to shew, that others make as bold with the Pope and his Declarations, when they are against them, and with Exceptions as frivolous at least, as the *Maintainers of the Oath*, which he knows very well may be don. But these are unsavory matters, with which I will not meddle. The Maxim, *In dubijs melior est Condicio Possidentis* belongs to the Law, and to the Lawyers I leave it. Only I cannot but wonder he would make it favorable to the Pope, when the Possession of Kings is undeniably Just, and the Possession of the Pope, he confesses, is debated, whether Just, or Unjust.

Section 140. He is at his *Indirect* Power again, a Spirit which 'tis strange should so often hant us. For nothing is or can be more manifest than that, if *Indirect* Power to Depose, be Power to Depose, and to Depose, be to take away the Power of a King over his Kingdom, and who can take away the Power of a King over his Kingdom, has Power over that King and Kingdom: *Indirect Power to Depose* is absolutely inconsistent with Sovereignty. Since evidently Sovereignty is a Power over which there is no other Power on Earth, in those things in which the Sovereignty consists, and the Sovereignty of Kings consists in their Power over their Kingdoms.

I see no reason to inquire farther into Probability, unless there were occasion for it; and, thanks be to God, this matter is not left to, *It may be I, It may be No*. 'Tis certain, that Allegiance is our Duty, and 'tis certain we may profess our Duty. While we have Certainty, I think I may leave Probability to those who need it, and pass to his 143 Consideration, of the *Interest of those who impugn the Oath*. Of this he says first, That there being a prospect of Interest on both sides, we ought not to hearken to the Exception on either. He should have don well then, in my opinion, to have let it alone. Besides, what he says, I conceive a Doctrin is ne'er a whit the less true, nor an Action the less lawful, for hapning to be according to our Interest. And where there are better motives, Charity should persuade us, that people do not proceed on worse. For this reason I should never have started the Question: but since he needs would, I fear it is not for nothing, that *Sec. 119.* he urges Interest, as a good Exception.

tion against the Takers of the Oath, and now it comes to be urged against the Impugners, will not suffer us to hearken to it. This unequal dealing is a little suspicious.

In the 144 Section he would have the *Interest* lye on the Maintainers side, because his Majesties Roman Catholick Subjects more depend, and have more to hope, and more to fear from him than the Pope. This is true, and yet the *Interest* lyes on the other side. For 'tis not what we *may* fear, and *may* hope, but what we actually *do* fear and hope. And actually there is nothing feared by the *Impugners*, nor hoped by the *Maintainers*. For we are both equally treated. I take the Oath, you refuse it: I write for it, you against it: our condition is different in nothing, save only in this, that *Præmunire* precisely for refusal of the Oath, cannot be inflicted on me, which *may* indeed, but *is* not inflicted on you. Nor does the exemption from that particular penalty much better my condition, while notwithstanding I am not secure either of my Goods, or so much as Life. My Estate, on other accounts, may be taken away every day; and were it not for the Mercy we find, I could neither live with comfort, nor perhaps at all. For if I be a Priest, or harbor a Priest, (not to particularise farther) my Life is forfeited. And who refuses, or impugns the Oath, can fear no more.

I must confess, I wonder it should be thus. But so we see it is; And while it is so, I conceive the difference of *Interest* is not to be determined with respect to the Civil Government, which treats us both alike, but to our selves. And there the Impugners carry it clearly. While no body says of them so much as black is their Eye, they traduce us when they please, with suspicions of Heresie, or Schism, or Disobedience, or what else their Charity suggests. When this is gravely whisper'd up and down, and makes more or less impression, according to the different temper of the hearer, though something always stick, those who are concern'd live so uneasily, that, I believe, they would gladly redeem the vexation with a good part of their fortunes, and possibly any thing but violence to their Conscience. Who has not tri'd it, may peradventure think the importance slight: who has, will go near to judge there is no *Interest* more considerable. For what is more to be valued than a comfortable life, to which other worldly goods are only so far good, as they contribute? However it be, the *Interest*, such as it is, sides with the Impugners, not Maintainers; between whom there is no difference in respect of the Govern-

Government, and a great difference in respect of themselves.

But the consideration of what is the Interest of *English* Subjects, considered purely as *English* Subjects, I doubt is not all the case. For what if every body be not at liberty to act according to that Interest? What if some body have a greater Interest to act against it? 'Tis known that some, and most of the Impugners, are incorporated into other Bodies. Some who consider the influence those Bodies have on their Members, suspect those Members are not always free to follow what would be their Interest, if they were not of those Bodies, and apprehend that their own particular Interest is changed, and their greatest and strongest Interest now is to stick to that of their Bodies. Because they imagin he lives untowardly in a Body, who is at perpetual variance with it; and out of it perhaps he could not live at all. Truly therefore the consideration of the Interest of *English* Subjects, concerns only those who are not Members of other Bodies, unless those Bodies have no Interest which clashes with the Interest of *English* Subjects. And their Interest, in relation to the Civil Government, it is to maintain the Oath, and comply with the Laws in every thing, where with a safe Conscience they may. Because they have no Interest but the Interest of Subjects. If any of these impugn the Oath, because they act against their Interest, I know not what Motive they can have but Conscience. The rest may act out of Conscience too, and I hope, and suppose they do. But if it be the Interest of their Bodies to please the Pope, there is an Interest to impugn the Oath, which might tempt such as would act upon Interest.

The 145 *Section* talks of considerable Pensions, and sums of Money given to the *Maintainers* to print their Books, and countenance shew'd them, and Careless made them. Which that it has bapned, be can, he says, make appear. Till he do, I know not what to say to it, more than that a Smile, or Hug seem hardly to deserve the name of Interest. 'Twere strange if they should not be smil'd upon sometimes, who are frown'd upon often. And as for Pensions, and Money, it is possible he may name a man or two who have got something, as Liberality will not be ty'd up from shewing it self where 'tis deserv'd, and needed. But I have not heard so much as of a single man, who with all his Pensions, and all his Presents, has grown rich by maintaining the Oath. If all be true which is said, he is much mistaken in his calculation, and the *Impugners* of not-deposing Power have got more, much more, than the *Maintainers*. But I think

think it best to follow his example, and not descend to particulars till he does.

He cannot but reflect, in the next *Section*, on what is related of countenance shew'd by Protestants to some Catholick Priests, to set them altogether by the Ears. If he *cannot* help it, there is no remedy; but the Reflection might well enough have been spared, by one who *could* have let it alone. For it is nothing at all to the purpose, and revives, besides, old differences, both unconcerning, and which 'twere more to his advantage, to keep, as they are, buried in the grave. Protestants, he says, countenanc'd some Priests, to ruin All. What then? What are their Intentions, to the question in hand of Interest? What they did, may be something, but people are neither richer, nor poorer, for the Ends for which things are don. Of the two he names *Watson*, and *Preston*, all the countenance of the one could not save him from the Gallows; the other indeed escap'd hanging, but liv'd, and if I mistake not, dy'd a Prisoner. Such countenance, I think, will not be envy'd, and needs not be mention'd. Excepting *Preston*, none of his countenanc'd Priests were concern'd in the Oath.

The Countenance shew'd to the *Seculars* against the *Jesuites*, of which he speaks, was in their *Witch* differences, before the Oath was made. The Protestants would not suffer the *Seculars* to be run totally down: but afforded them means to defend themselves, conniv'd at their Appeal to *Rome*, and some say furthered it, by procuring them a fair Hearing there. For when they went of themselves, sinister Informations had so prevail'd, that they were imprison'd without hearing. But having got the protection of the *French* Ambassador, to which the Protestants peradventure contributed, and by his means an equal Tryal, they carried their Cause. What harm was there in all this, which must needs be reflected on? And who is it that must needs be blamed? Protestants are not accountable to him for their Ends. From Catholicks they were hidden; and they being only to look after the *what*, not the *why*, it was all one to them whether Protestants acted with a good, or bad Intention. They were to thank Protestants for their assistance in their distress, and more for their honorable dealing in that assistance. For they took no advantage of the distress in which they were, to grate upon their consciences, but only suffer'd, or perhaps encourag'd them, to say and do freely what they had a mind to themselves. If any thing be to be blamed, it is
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the distress to which they were driven, and those who drove them. For 'tis indeed hard, and something shameful, that Catholicks should by Catholicks be reduc'd to stand in need of Protestants. But had they not been distressed, neither had Protestants had occasion to assist them, nor Catholicks occasion of their assistance. However it be, I know not why so unconcerning an occasion must needs be taken, to renew the memory of these things, which serve for nothing but to urge those, who are concern'd, to fresh resentments, and engage them in fresh broils, which may drive them a second time to need the assistance of Protestants.

Yet he cannot but note farther, *That as concerning the present point* (for what has been said hitherto it seems he is aware as unconcerning) *the Protestants countenanc't the Priests who defended the Oath, and not those who oppos'd it.* Great reason he has doubtless, to take it unkindly of Protestants, that they do not countenance those whose Principles they take to be inconsistent with Civil Government. But hence appears, *that Protestants are of opinion, that the Defenders of the Oath are against the Church of Rome, but not the Opposers thereof, since they join with the former, and not with the later; and sure they would join with the Enemies of our Church, in their opinion, and not with her Friends.*

What may this mean? For notwithstanding the *Appearing* he talks of, he knows very well, that Protestants are not of opinion, that the Defenders of the Oath, are against the Church of Rome, and that they countenance the *Loyal Subject* only, not the *Roman Catholick*, the *Friend to Civil Government*, not the *Enemy to our Church*. For they punish the Friend of it, notwithstanding all their joining with him. When people make Arguments against their own knowledge, I know not what to think. But I perceive, that by making it an imputation, whether to Protestants, or Catholicks, or both, that they join together in Principles of Loyalty, as if they join'd in Religion too, the conduct of Protestants troubles him, and he would gladly have them forbear shewing any countenance to those who are not of his way. By which means it may be hoped in time, that All will pass over to it, and the *Impugners* be the only men. As indeed, could he persuade Protestants to do as he would have them, and fright Catholicks by the fear of being made pass for Enemies of the Church, the business would be in a fair way.

His last *Section* is bestow'd on the whether Defence or Praise of certain

tain Gentlemen, and concerns only themselves. I will not meddle with it, because it were to bring their Credit into question, and I have a great aversion from meddling with the reputation of any body without absolute necessity. On the contrary, I wish them all manner of Good, and particularly, that to the rest of their Praises might be added the Defence of the Oath of Allegiance, and that when they need Apologies, they may find better than those alledged here, which to my thinking are not very good.

And so we are come at last to his Conclusion, consisting of two parts, whereof the First believes, that conscientious Catholicks will, on perusal of what he has written, have at least some rational Reluctance to take the Oath, which is enough to make them forbear it, since they swear to take it *Heartily*, or without Reluctance. In my opinion Reluctance is an odd fruit for him to expect from all his pains, and a strange kind of satisfaction to offer to his Reader at last. *Reluctance* agrees as ill with *Satisfaction*, as with *Heartily*. This is upon the matter to say, I undertook to take away the scruples concerning the Oath, but so I can but cause one, I care for no more. For Reluctance is pure scruple; who feels it against Taking, will feel it also against Refusing the Oath, and remain dissatisfi'd either way. So that the Satisfaction he promises, resolves at last into Dissatisfaction. It does not mend the matter to call his Reluctance, as he does, Rational. For put those two together, and they signify Reasons which do not satisfy; since if they did, there could be no Reluctance in proceeding according to satisfactory reason, or with satisfaction. Methinks it needed not have been discovered so plainly, that after all the satisfactory reasons which he has brought against the Oath, what he finally trusts to, is, that his Reader will remain unsatisfi'd. For nothing can be plainer than that Reluctance imports not-satisfaction in its notion. The Objection it self, which I, for my part, thought not considerable enough to return a second time, has been spoken to before. And there it was said, that 'tis not *Reluctance* or *not Reluctance*, but *Duty* or *not Duty* which truly presses. If he can satisfy any man that 'tis his Duty to refuse the Oath, that man will refuse it for a better Reason than Reluctance. But who is satisfi'd that 'tis his Duty to take it, must be a strange man if he find Reluctance in doing his Duty.

The second part of his Conclusion *sums up the substance of the Treatise, and concludes his Adversaries destitute of all rational Motives, and that nothing but Ignorance or Obstinacy can move them to stand*

out. 'Tis not amiss to set a good face on the matter, however things go. But I suspect the true quarrel he has to his Adversaries is, that they are not ignorant enough. Were they a little more ignorant than they are, perhaps it might be hoped they might be a little more flexible too, and better disposed to be blindly led by those, whom, while they continue their obstinate humor of desiring to see with their own eyes, they cannot perceive to be clearer sighted than themselves. If he truly thought them Ignorant, or Obstinate, it was a hopeless piece of business he undertook, when he set himself to write for their satisfaction; as sure he meant not to exclude them from the benefit of his labors. For *satisfaction* plainly imports *seeing*, and who cannot see for Ignorance, or will not for Obstnacy, are not like to be satisf'd. But this matter is to be left to the Judgment of the Reader. I will take the liberty to believe in my turn, that he will find they would indeed be destitute of rational Motives, if they accepted those which are offered by this Gentleman; That they have no reason to change their *Ignorance* for his *Knowledge*; and since *Obstnacy* signifies Adhesion without Reason (for with it, it is *Constancy*) that Obstnacy does not lye at their dore.

To stay at every Particular of his Sum Total, were to weary the Reader with the old story over again. Yet the first seems to have something new. He says, *It is certain (neither do his Adversaries deny it) that it belongs to the Pope to decide whether this Oath be Unlawful or no.* In this he reckons without his Host. His Adversaries think the Oath so certainly Lawful, that there is no place for Decision, since only difficult or doubtful things need Decision. They certainly know that the Doctrine of Christ was not made a secret, and entrusted only to one, or few men, to be by them upon occasion, and as they saw fit, communicated to the rest; but publickly and universally preacht, without subtraction of any thing necessary, and by the publick belief and practise of those who embrac'd it, preserv'd to our times, and to be preserv'd to the end of the World. They certainly know that Allegiance to Princes is part of this Doctrine. They certainly know that as the Law of God forbids Theft, or taking from another what is his; but what belongs to this, what to that man, is to be determin'd by the several Laws of several Countrys: so the Law of God commands Allegiance to Princes; but who is, who is not Prince, depends on the different Laws and Customs of Nations, by which some succeed, others are elected, &c. But in general, he is always

always Prince, who by the Rules of his Country is Prince, and to refuse Allegiance to that Prince, is to break the Commands of God. They certainly know, that neither the Pope, nor any Power on Earth can authorize the breach of a Command of God. They certainly know, that if the Pope can authorize Subjects to refuse Allegiance to him who is Prince by the Laws of the Land, he can authorize the breach of a Command of God. And then they certainly know that the Pope cannot do this, or that he cannot Depose, since he whom the Pope pretends to Depose, is certainly Prince still by the Laws of the Land. And because they evidently see there is nothing in the Oath, but that the Pope cannot Depose our King, nor hinder his Subjects from bearing that Allegiance which they owe and promise, they evidently see that the Oath is Lawful, and cannot be made Unlawful, till it become Unlawful to profess a Duty commanded by God.

His Adversaries think there is no need, nor occasion of having recourse to *Rome* for this business; nor know what they should ask when they came thither. For should they ask, who is King of *England* by the Law of *England*? or whether Subjects are not obliged to Allegiance by the Law of God? or whether the Pope can make void a Law of God? They were like enough to be laught at for their pains. And yet there is no more to ask. For put these three together, and 'tis as certain that the Pope cannot take off the obligation which *English* Subjects have to bear Allegiance to their King, or in other words, cannot Depose their King, as that he cannot make void a Command of God: and 'tis as certain that 'tis Lawful to take the Oath, as that 'tis Lawful to make profession of what we are obliged to by the Law of God.

I forbear to urge, that to put the unlawfulness of the Oath to the Popes decision, interfares with his Argument, which makes the unlawfulness consist in disobedience. For an unlawfulness to be decided, imports an unlawfulness in the nature of the Thing, which is there, however it be decided, and whether it be decided or no, whereas the unlawfulness of Disobedience cannot be without the Command. So that had there been no Command, there had been no Unlawfulness; neither did they do unlawfully, in that supposition, who took the Oath before the Breves were made. But enough has been said of this subject already.

The rest of his particulars have been examined in their proper places, and found not allowable. The most material is Obedience,

which as piously as it sounds, signifies intolerably both to Church, and State. For what would become of the Hierarchy? what of the Civil Government? if every Command of the Popes were to be obey'd, either without dispute, or if any hapned, the Pope were finally and obligatorily to decide it. An unlimited Obedience, such as is discours'd in this Treatise, is a speculation which seems to measure the World by a Cloyster, and imagin both govern'd alike; but irreconcilable with the nature of things, and the experience of what passes dayly before our eyes. For it is not practis'd, I believe, in any part of *Christendom*, except the Popes own Territories, nor can be, without unsettling the Common-wealth, and confounding the Hierarchy of the Church. To inforce it upon us, is to take advantage of our unhappy circumstances; to bring our Nation into a subjection which would not have been endured in Catholick times; to which who contributes, should bethink himself how he will answer it to God and his Country; and to his Conscience I leave it.

Only there is a particularity in the case, which it is not amiss to observe. Who thinks Obedience will save him harmless, on which side soever the Truth lye, will find, as great and as necessary a virtue as it is, that he cannot practise it cleverly here, though he would never so fain. For 'tis not at his choice simply to Obey, or Disobey; but he must Disobey of necessity; only he can chuse whether the Pope, or King. Obedience is manifestly due to both; yet 'tis manifest it cannot be paid to both, while what one forbids, the other commands. The security therefore which other cases afford, by submitting our private Judgments to publick Authority, is not here to be had, since we must disobey publick Authority which side soever we take. In such a streight, where even Obedience is inevitable Disobedience, I know no remedy, but to seek our security in the satisfaction of our consciences, and proceeding sincerely and faithfully in pursuit of that satisfaction, chuse the side which our satisfi'd consciences tell us is in the right. If there be any other way, I should be glad to learn it. But when the great Road is barr'd up, I cannot imagin how we should go on our journey, but by such paths as we can either find or make.

For my part, my Conscience tells me, it is my duty in this case to disobey the Pope, and obey the King. I see the Firmness of Civil Government, or the Politick Body, is absolutely necessary to Mankind, and to no portion of it more than to the Church it self. I see the Politick Body cannot be firm, if it depend on any thing out of

it self, for what is necessary to its firmness. As often as it falls at variance with that other thing (and variance cannot be avoided in the difference of Interests and Humors to which Mortality is subject) it must of necessity shake and totter. I see a Head is necessary, not only to the Firmness, but even Subsistence, of the Politick, as of all Bodies. I see the Firmness of the whole Body depends on the Firmness of the Head, for the settling and alteration of which, should there be any other Rules, than those agreed on by the Body it self, by which Rules it may be Elective, or Successive as is found most convenient, the Body would depend on something without it self, as to what is necessary for its Firmness, and a gate be set open to all manner of Confusion. As we see by experience, that Deposition has seldom, perhaps never, been prosecuted in earnest, without deplorable Effects. I see that if the Pope could Depose, the Head would depend, even as to its Being, on something besides, and out of the Body, which being to dissolve the frame of the Body, and deprive Mankind of the goods received from it, I see as certainly that God has left no such Power, as that he has not, nor cannot leave a Power inconsistent with, and destructive of the good of Mankind. Wherefore I conceive that it is within the sphere of the Civil Power, to command the renouncing of a pretence inconsistent with the firmness of the Civil Body, and that I am inexcusable to God and Man, if I refuse to obey it in that particular.

Put case Deposing Power, and let it be restrained too to those cases only which are pretended for the Pope, were claimed by somebody besides the Pope, the King of *France*, for example, or Emperor. I am much mistaken if any *English*-man would endure so much as to hear of it, or doubt whether it were not his duty, with his utmost force, the hazard of his Life and Fortunes, to oppose the pretence, as ruinous to the safety, and inconsistent with the Sovereignty and Independence of the *English* Government. What alteration does it make in the case, that it happens to be the Pope who claims it. It is the Sword which does the mischief, not the Scabbard in which it lies. If Deposing Power, in the hands of a foreign Temporal Prince, be inconsistent with the Security and Rights of a free Nation, it cannot be consistent in the Popes hands. For Deposing Power is Deposing Power, and produces the very same effects, in whose hands soever it be. It matters not *Who* is said to have it, for 'tis the *Thing* which is insupportable, the *Person* is not considerable. A Temporal Prince can do

no more than Depose with it, and a Spiritual can do as much. And yet while every body would be ready to stone him, who should say the King of *France* can Depose our King, we must, forsooth, endure it should be said, and believed that the Pope can, and hinder people from professing the contrary. As if the mischief of Deposition, which is the ruin of Civil Government, were not the same from both Depositions, and 'twere enough to fence the house on one side, and think it no prejudice if it were blown down by a wind which came from another quarter. Wherefore, if I mistake not, all the shyness we find, comes from looking only on one side of the Meddall. Because it bears the Popes impression, the reverence the Catholicks have and ought to have for him, makes them fear they may shock his Authority. But turn it, and without minding the *Who*, which in truth imports not, look on the *What*; this *What*, I believe, would appear so intolerable, that, were the Pope unconcern'd, I suspect it would prove no less than Treason every where.

Not that I have forgot that this Gentleman allows every Prince power to Depose another, and makes it a Right inherent in Sovereignty. But then he understands by it, power to make War, and use the Victory, when the Prince gets it, as he pleases. And this is so far from the power of Deposition, understood by the rest of the World, that though every body knows that every Prince can do this, no body therefore thinks, or can endure to hear, that his Sovereign is a Subject, and deposible by another Prince. Were this Proposition, The King of *France*, for example, has Power, (meaning by Power, Right) to Depose the King of *Spain*, or any other King of *Christendom*, or the World, put to any Nation, I am much deceived if they would not all condemn it, as, not only false, but Treasonable. It is a sign they are hard put to it, for something to say against the Oath, who are forc't to alter the notions of words, and understand by Depositing Power what no body understands but themselves. Besides, that nothing is, or can be so innocent, which may not by that Trick be rendered faulty, it is as plain a justification of the Oath as may be. For to pin upon it a fence, which every body knows it means not, and reprehend that fence, is evidently to confess, that the fence which is meant is not reprehensible.

Whatever this Gentleman think, or would have us think to the contrary, I am perswaded the Oath is not liable to any material exception, save only Renouncing Depositing Power in the Pope. And I
am

am so perswaded, because if there were, I see not how it could scape his Wit, and Diligence, and great Desire, even to partiality, to find it. For sure it is partiality, *Sett.* 31. to urge *Authority*, as considerable in the Refusers of the Oath, and *Sett.* 118. of no force in the Takers; To object *Sett.* 119. *Interest* against the Takers, and *Sett.* 143. not to suffer the Topick to be hearkened unto, as soon as it touches the Refusers Copyhold. Now, who, being duly required, refuses to renounce Deposing Power in a foreign Prince, Temporal or Spiritual (for that imports not, as neither altering any thing in the Power, nor abating any of its bad consequences) should do well to consider what he does. It is neither better nor worse, than as much as in him lies, to bring his Country into subjection to a foreign Power, and that in Temporals, and the most concerning of Temporals, that on which the Quiet, and Security, and Firmness of Civil Government depends. However, it may be disguised, this is the naked Truth; and methinks he must be very fantastically scrupulous who can feel so much as *Reluctance* in not contributing to the subjection of his Country.

Since the whole stress of the business lies on this point, I conceive it needless, in imitation of this Gentleman, to sum up the substance of what has been said. The Reader, I think, will find more tediousness than satisfaction, in hearing the same things over and over again: and peradventure I need his pardon for those Repetitions which he will have met with before. It is a fault which this Gentleman and I must share betwixt us. He thought fit to repeat sometimes, and I have yielded to the temptation of his Example, I fear too often. There is another thing also of which I think it convenient to give warning. The Objections which I was to answer, have sometimes forc'd me, much against my will, to touch a little on both the Supreme Powers. It is an Argument from meddling with which I have a great aversion, being more dispos'd to reverence, and obey, than dispute them. But as the Reader will see I could not avoid saying something, so I must declare, I speak not of either, otherwise than with relation to the present matter. If any Expression of mine shew like extending, or confining either, which was far enough from my thoughts, I intreat it may be understood only of this present case, which I take to be clear and predetermined by the Laws of God and Nature. And to be guided by those Laws, I am sure intrenches on neither Power. Though I

am not conscious I have given any just occasion of being understood otherwise; yet because no wariness seems enough in such matters, I thought it necessary to make this declaration, and desire the Reader, when he meets with any thing of this nature, to remember it.

F I N I S.

ERRATA

Introduct. pag. 2. lin. 15. *would not*. r. could not.

Answ. to the First Treatise, p. 9. l. 25. *happen*. r. happened. l. 30. *this is*. r. thus it is. p. 20. l. 4. *away*. r. a way. p. 21. l. 19. *a very groundless*, is, r. is a very groundless. p. 34. l. 32. *Christ, uninterrupted*. r. Christ, by uninterrupted. p. 35. l. 31. *will*, r. well. l. 37. *think*. r. hint.

Answ. to the Second Treatise, p. 1. l. 9. *this*. r. his. p. 7. l. 8. *Gentleman innocent*. Gentleman was innocent. p. 14. l. 36. *imperious*. r. impervious. p. 25. l. 2. *and*. r. or. l. 14. *accepts*. r. excepts. p. 26. l. 38. *notion Sovereignty*. r. notion of Sovereignty. p. 49. l. 22. *talk*. r. *task*.

Answ. to the Third Treatise, p. 1. l. 19. *this*. r. his. p. 3. l. 4. *would*. r. could. p. 4. l. 24. *their*. r. this. p. 13. l. 4. Besides, del., p. 22. l. 14. *del. nor*. p. 26. l. 4. *indure*. r. induce. l. 24. *in circumstances*. r. in those circumstances. p. 29. l. 9. *efficacious*. r. inefficacious. l. 18. N. 8. N. 18. l. 24. r. *these*. r. those. p. 30. l. 23. *del. same*. p. 31. l. 3. *thinks to*. r. thinks fit to. *yet*. r. get. p. 38. l. 27. *maintaing*. r. maintaining. p. 39. l. 3. *visible*. r. justifiable. p. 42. l. 4. *should be*. r. would be. p. 45. l. 12. *tells besides*. r. tells us besides. *these*. r. those. l. 35. *these*. r. those. p. 46. l. 37. *unlawful of*. r. lawful, of. p. 77. l. 5. *off*. r. of. p. 82. l. 2. *his*. r. this. p. 118. l. 23. *persuasion*. r. perversion. p. 119. l. 8. 140. r. 104.

